

Closed Caption Log, Council Meeting, 8/5/04

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Mayor Wynn:.

GOOD MORNING, I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME FROM CHICAGO TO AUSTIN REVEREND PHIL, WHO IS GOING TO LEAD US.

THANK YOU, YOUR HONOR, ESTEEMED MEMBERS OF THE COUNCIL, CITIZENS OF THE CITY OF AUSTIN, I WANT TO TAKE A BRIEF MOMENT FOR THE PRIVILEGE OF BEING SOMEONE FROM ANOTHER CITY BEING ABLE TO STAND WITH YOU AND TAKE JUST A MOMENT TO ADDRESS OUR CREATOR. I'VE HAD THE PRIVILEGE OF BEING WITH ABOUT 80 CHRISTIAN MEN AND WOMEN THESE DAYS, YOU HAVE MUCH TO BE PROUD OF, PEOPLE WHO ARE HERE WORKING TOGETHER TO RECEIVER THE NEEDS OF ALL PEOPLE IN THE CITY OF AUSTIN JUST AS I KNOW YOU ARE HERE TO DO AS WELL, LET'S PRAY TOGETHER. ALMIGHTY GOD, WE THANK FOR YOU THE PRIVILEGE OF RESPONSIBILITY. THOSE WHO ARE HERE TO CONFER, DIALOGUE, EVEN DEBATE, ULTIMATELY TO MAKE DECISIONS THAT -- THAT I PRAY TODAY WILL BE ACCORDING TO YOUR WORD AND YOUR WILL. FOR THOSE WHO HAVE COME TO -- TO MAKE PETITIONS OR PRESENTATIONS, WOULD YOU GIVE THOSE ON THE COUNCIL WISDOM AND DISCERNMENT. MAY THEY KNOW WHAT TRULY IS BEST FOR ALL OF THE PEOPLE HERE IN THE CITY. AND I ASK NOT JUST TODAY, BUT THROUGHOUT THEIR TENURE, AND THOSE WHO FOLLOW THEM, AND THE MONTHS AND THE YEARS AHEAD, THAT THIS WILL BE A COUNCIL, THIS WILL BE A GATHERING, WHERE JUSTICE IS DONE. WHERE THE NEEDS

OF RICH AND POOR ALIKE ARE TAKEN INTO ACCOUNT. WHERE YOUR WISDOM, YOUR TRUTH, YOUR GUIDANCE IS THE BEDROCK OF ALL THAT IS DONE HERE. SO, LORD GOD, I INVITE YOUR PRESENCE, NOT JUST TODAY, BUT EVERY TIME THIS -- THIS GROUP OF PEOPLE COMES TOGETHER. TWO OR THREE OR MORE GATHERED IN YOUR HOLY NAME. TO DO THE PURPOSES OF ENACTING YOUR WILL THROUGH THE AGENCIES OF OUR GOVERNMENT. I PRAY, LORD, THOUGH OUR NATION TALKS OFTEN ABOUT THE SEPARATION OF CHURCH AND STATE. THAT THIS WILL BE A CITY THAT MODELS HOW CHURCH AND STATE, FAITH BASED COMMUNITIES AND THOSE ELECTED TO SERVE YOU, AS MINISTERS, IF YOU WILL FOR THE CITIZENS, WILL FIND NEW WAYS, NEW STRATEGIES, TO WORK TOGETHER, NOT ONE TO TAKE OVER THE OTHER, BUT TO FIND WAYS AS TWO RAILS ON A TRACK SO THAT THIS COMMUNITY RECEIVES ALL OF THE BLESSINGS THAT GOD HAS FOR THE PEOPLE, THE FAMILIES, THE BOYS AND GIRLS. AND ALSO, LORD, THAT IT CAN BE A MODEL, AS THE CAPITAL OF THIS GREAT STATE, SO THAT THIS STATE, TOO, CAN BE A MODEL FOR THE UNITED STATES OF AMERICA. I GIVE YOU THANKS FOR YOUR GOODNESS. I THANK YOU FOR EACH PERSON THAT'S HERE. ELECTED BY MAN, BUT I BELIEVE SELECTED BY GOD TO DO YOUR WORK. MAY THEY BE GRACED WITH HUMILITY TO SERVE YOU AND SERVE YOU WELL. IN THE NAME OF THE SAVIOR I PRAY.

THANK YOU, HAVE A SAFE TRIP BACK TO CHICAGO AND -- A GREAT AMERICAN CITY. THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, AUGUST 5th, 2004. WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVER AUTHORITY, 3700 LAKE AUSTIN BOULEVARD IN AUSTIN, IT IS ABOUT 10:15 IN THE MORNING. AT THIS TIME, I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ITEM NO. 17 HAS BEEN POSTPONED INDEFINITELY. ITEM NO. 20 HAS BEEN POSTPONED TO AUGUST 12th, 2004. ITEM NO. 31, WE SHOULD STRIKE THE WORDS AN ORDINANCE AND INSERT THE WORDS "A RESOLUTION" SO IT WILL BE APPROVE A RESOLUTION DESIGNATING AUGUST 8th. ITEM 32, WE SHOULD INSERT THE WORDS SEPTEMBER 30th 2004, TO

BEGIN DISCUSSIONS ON -- AND STRIKE THE WORDS TO ASSIST IN. THEREFORE THIS -- THIS SUMMARY ITEM WILL READ: DIRECT THE CITY MANAGER TO, 1, TRANSFER REMAINING FUNDS UNDER THE CONTRACT WITH THE KENNETH THREADGILL MUSIC PROJECT FOR THE MANAGEMENT OF THE AUSTIN MUSIC NETWORK TO AUSTIN COMMUNITY ACCESS CENTER, INC., THROUGH SEPTEMBER 30th, 2004, TO BEGIN DISCUSSIONS ON TRANSITIONING EXISTING AMN PROGRAMMING, ET CETERA. ITEM NO. 33, WE SHOULD ADD COUNCILMEMBER BETTY DUNKERLY AS A CO-SPONSOR. ITEM NO. 53, WE SHOULD STRIKE THE WORDS A REDUCTION IN SPEED TO AND I CERTIFICATE "ESTABLISH A DESIGN SPEED OF". AND WE SHOULD ALSO STRIKE THE WORD "BETWEEN" AND INSERT "TO A MAJOR ARTERIAL UNDIVIDED ROADWAY WITH FOUR LANES OR MAU 4 FROM" AND THEN STRIKE THE WORDS FROM A MAJOR ARTERIAL UNDIVIDED ROADWAY FROM MAU 4. THAT SUMMARY WILL NOW READ: ITEM 53, CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING THE CITY OF AUSTIN COMPREHENSIVE PLAN, 2025 AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN, AMATP, TO DESIGNATE, AMONG OTHER THINGS, ITEM NO. 3, ESCARPMENT BOULEVARD AS A MAJOR ARTERIAL DIVIDED ROADWAY WITH FOUR LANES OR MAD 4, BIKE LANE STRIPING AND ESTABLISH A DESIGN SPEED OF 40 MILES PER HOUR FROM SOUTH [INDISCERNIBLE] DRIVE TO SLAUGHTER LANE. ITEM NO. 7 DOWNGRADE MANOR ROAD TO AN UNDIVIDED ARTERIAL TO MAU 4 FROM AIRPORT BOULEVARD TO 51st STREET. THAT'S ITEM NO. 53, A PUBLIC HEARING FOR THIS EVENING. COUNCILMEMBER DUNKERLY?

[INDISCERNIBLE]

Mayor Wynn: YES, WE WILL. OUR TIME CERTAINS FOR TODAY, AT 12 NOON WE WILL BREAK FOR OUR GENERAL CITIZEN COMMUNICATIONS. AT 2:00 WE WILL HAVE BRIEFINGS THAT SHOW UP TODAY AS ITEMS 43 AND 44 RELATED TO THE -- TO THE CITY MANAGER'S PROPOSED '04-'05 BUDGET AND THIS WEEK'S PRESENTATION DEAL WAS OUR PUBLIC SAFETY -- DEALS WITH OUR PUBLIC SAFETY DEPARTMENT. AT 4:00 ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THOSE SHOW AS ITEMS 45 THROUGH 51 AND ZONING CASES Z-1 AND Z-2. I WILL

ANNOUNCE NOW THAT THE STAFF WILL BE REQUESTING THE POSTPONEMENT OF ITEM 46, WHICH IS THE COMBINED CENTRAL AUSTIN NEIGHBORHOOD PLAN AND ZONING ITEMS Z-1 AND Z-2 ON BEHALF OFFED ADJOINING NEIGHBORHOOD. TECHNICALLY, WE CAN'T TAKE UP THAT POSTPONEMENT UNTIL THE 4:00 TIME CERTAIN ACTION. BUT JUST TO LET FOLKS HEAR AND WATCHING ON TELEVISION KNOW THAT OUR STAFF WILL BE REQUESTING THOSE POSTPONEMENTS, IT'S VERY LIKELY THAT COUNCIL WILL AGREE TO THAT POSTPONEMENT. AT 5:30 LIVE MUSIC AND PROCLAMATIONS, 6:00 PUBLIC HEARING AND POSSIBLE ACTION. TODAY'S PUBLIC HEARING ARE 52 THROUGH 56. AT 6:00 WE WILL HAVE A PUBLIC HEARING REGARDING THE PROPOSED BUDGET, BOTH SAFETY DEPARTMENTS AND REALLY THE ENTIRE BUDGET, THAT SHOWS AS ITEM NO. 57. WE HAVE A -- FIVE ITEMS SO FAR PULLED OFF THE CONSENT AGENDA. THOSE ITEMS ARE ITEM NO. 5, REGARDING THE MOTOR SPORTS CONTRACT AT BERGSTROM. PULLED BY COUNCILMEMBER SLUSHER. ITEM 16, REGARDING A RIGHT-OF-WAY INTERLOCAL WITH TEXDOT. PULLED BY COUNCILMEMBER MCCRACKEN. ITEM 17 -- I'M SORRY, ITEM NO. 17 HAS BEEN POSTPONED INDEFINITELY, IT WAS GOING TO BE PULLED BY COUNCILMEMBER SLUSHER. ITEM 32 REGARDING THE AUSTIN MUSIC NETWORK AND AUSTIN COMMUNITY ACCESS PULLED BY COUNCILMEMBER DUNKERLY. AND ITEM 34 REGARDING SOME DEVELOPMENT REGULATIONS PULLED BY COUNCILMEMBER MCCRACKEN. COUNCIL, THERE ARE ANY OTHER ITEMS TO BE PULLED OR ADD BACK TO THE CONSENT AGENDA? COUNCILMEMBER MCCRACKEN?

McCracken: MAYOR, ON THE TWO ITEMS THAT I'VE PULLED, THEY DON'T NECESSARILY NEED TO BE PULLED, I JUST HAVE QUESTIONS THAT PROBABLY COULD BE ANSWERED PRETTY QUICKLY. WE COULD EITHER DO IT AFTER OR BEFORE THE CONSENT AGENDA VOTE?

Mayor Wynn: IF YOU DON'T MIND I WILL READ THE CONSENT AGENDA, TAKE A MOTION AND A SECOND AND FOR DISCUSSIONS WE CAN HAVE THAT -- HOPEFULLY THOSE BRIEF QUESTIONS ANSWERED. MS. BROWN, WE WILL PLACE ITEMS 16 AND 34 BACK ON THE CONSENT AGENDA. WITH THAT I WILL READ THE CONSENT AGENDA AS POSTED NUMERICALLY. ITEMS 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,

16, 17 FOR INDEFINITE POSTPONEMENT, 18, 19, 20 TO BE POSTPONED TO AUGUST 12th, 2004, 21, 22, 23, 24, 25, 26, 27, 28,, 29,, 30 AND 30 IS OUR WEEKLY BOARD AND COMMISSION APPOINTMENTS. AT THIS TIME I WILL READ THOSE APPOINTMENTS INTO THE RECORD. TO OUR ANIMAL ADVISORY COMMISSION, CAROL ADAMS IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. TO THE BUILDING AND FIRE CODE BOARD OF APPEALS, PHILLIP HAUGHT IS A CONSENSUS REAPPOINTMENT. TO OUR BUILDING AND STANDARDS COMMISSION, TIM HILL IS A CONSENSUS REAPPOINTMENT. TO THE ELECTRIC UTILITY COMMISSION, LINDA SHAW, CONSENSUS REAPPOINTMENT. TO THE FEDERALLY QUALIFIED HEALTH CENTER BOARD, AL KATZ IS A CONSENSUS REAPPOINTMENT. TO THE MECHANICAL, PLUMBING, SOLAR BOARD, THOMAS COMBS, CONSENSUS REAPPOINTMENT. TO THE RESOURCE MANAGEMENT COMMISSION, JOHN HOFFNER, CONSENSUS REAPPOINTMENT. TO THE ROBERT MUELLER MUNICIPAL AIRPORT PLAN IMPLEMENTATION ADVISORY COMMISSION, TRACY DOWER ATKINS IS A CONSENSUS APPOINTMENT. THOSE ARE OUR APPOINTMENTS BOARDS AND COMMISSIONS, ITEM NO. 30. CONTINUING ON, ITEM NO. 31 PER CHANGES AND CORRECTION, ITEM 33, PER CHANGES AND CORRECTIONS. ITEM 34, ITEM 35, AND ITEM 36. 7 I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA AS READ. MOTION MADE BY COUNCILMEMBER ALVAREZ TO APPROVE THE CONSENT AGENDA.

SECOND.

SECONDED BY COUNCILMEMBER THOMAS. COMMENTS, COUNCILMEMBER MCCRACKEN?

MY FIRST QUESTION WAS -- FOR STAFF ON ITEM 16,.

Mayor Wynn: THIS REGARDS THE TEXDOT RIGHT-OF-WAY INTERLOCAL.

MY QUESTION IS UNDER THE RECENT CAMPO VOTE ON THE MOBILITY PLAN, PART OF THE DEPARTMENT OF -- THE DEPOSIT TRANSPORTATION IS GOING TO ASSUME THE PURCHASE OF RIGHT-OF-WAY LAND TO THE -- IN THE AMOUNT OF \$400 MILLION WHICH THEREFORE EASES THE

PROPERTY TAX BURDEN FROM AUSTIN RESIDENTS WHO HAVE BEEN HAVING TO PAY FOR THESE RIGHT-OF-WAYS, PROPERTY TAX DOLLARS IN THE PAST. COULD YOU TELL US IF THIS -- IF IT'S POSSIBLE OR IF YOU ALL HAD THE OPPORTUNITY TO DISCUSS THE DEPARTMENT OF TRANSPORTATION, WHETHER THIS WOULD BE AN ELIGIBLE PROJECT TO RELIEVE PROPERTY TAXPAYERS OF AUSTIN, HAVING TO BUY RIGHT-OF-WAY.

WE HAVE NOT DISCUSSED THIS. THIS IS PART OF AN AGREEMENT WITH TEXDOT THAT -- THAT BEGAN IN THE LATE 80s. AND THIS WAS A PROPERTY THAT HAD BEEN UNDER -- UNDER NEGOTIATIONS FOR -- FOR A LITTLE OVER A YEAR.

McCracken: DO YOU ALL HAVE AN ESTIMATE OF WHEN YOU CAN TALK WITH TEXDOT? BECAUSE THEY HAVE COMMITTED TO PROVIDING \$400 MILLION SO THAT AUSTIN TAXPAYERS DO NOT HAVE TO PAY THEIR PROPERTY TAXES FOR STATE HIGHWAYS ANYMORE. COULD YOU ALL GIVE US AN ESTIMATE OF WHEN WE MIGHT BE ABLE TO MEET WITH THEM.

I CAN TRY TO SET A MEETING RIGHT AWAY.

THAT WOULD BE GREAT, I APPRECIATE IT. THANKS A LOT. THEN NEXT QUESTION THAT I HAVE IS ON ITEM 34 FOR STAFF. I JUST HAD A QUESTION. THIS IS ON EXTENDING THE MORATORIUM ON THE SECONDARY APARTMENTS. I DO SUPPORT THE EXTENSION. I JUST WANTED TO GET SOME CLARIFICATION OF HOW STAFF HAS BEEN INTERPRETING WHAT IS PERMITTED AND WHAT IS NOT PERMITTED OR INCLUDED WITHIN THE ORDINANCE. I THINK THERE'S BEEN SOME CONFUSION OUT THERE IN THE COMMUNITY ON THIS ISSUE.

LOOSE SEA GALLON MAN WITH -- LUCY GALLON MAN WITH WATERSHED PROTECTION AND REVIEW. THERE HAS BEEN CONFUSION WITH SOME WORDS THAT WERE USED IN THE ORDINANCE. THE WORD FOOTPRINT YOU MAY BE ALLUDING TO THE PROBLEM WITH THE FOOTPRINT AS OPPOSED TO GROSS FLOOR AREA WHICH CURRENTLY THE LAND DEVELOPMENT CODE DEFINES GROSS FLOOR AREA AS SPECIFICALLY LIVING SPACE AND THE -- THE BOARD THAT --

THE WORD THAT WAS USED IN THE MORATORIUM IS FOOTPRINT, WHICH IS DIFFERENT. FOOTPRINT INCLUDES EVERYTHING OUT OF LIVING SPACE, INCLUDING PORCHES. THAT HAS BEEN AN ISSUE WITH SOME OF THE BUILDERS.

McCracken: IF WE FOR INSTANCE WERE WANTING TO MAKE SURE THAT IT APPLIED JUST TO LIVING SPACE, NOT THE PORCHES, WOULD WE NEED TO CHANGE THE LANGUAGE?

YES, SIR, YOU WOULD HAVE TO CHANGE THE LANGUAGE TO GROSS FLOOR AREA.

McCracken: LET ME ASK YOU, ALSO, WHAT -- WHAT OTHER CONCERNS HAVE YOU -- HAVE YOU IDENTIFIED IN TERMS OF IMPLEMENTATION -- AS WE EXTEND THIS MORATORIUM TODAY?

THAT HAS BEEN THE ONLY ISSUE.

McCracken: HAS THERE BEEN ANY ISSUE OF ABOUT COMPLIANCE WITH NEIGHBORHOOD PLANS, FOR INSTANCE, STRUCTURES?

THAT HAS BEEN THE PRIMARY ISSUE, BOTH WITH -- WELL, WITH NEIGHBORHOOD PLANS, WITH SMART HOUSING PARTICULARLY PLANS. THAT HAS BEEN THE ISSUE. >>

McCracken: THAT HAS BEEN AN ISSUE?

YES.

SO I GUESS AS PART OF OUR EXTENSION, WOULD THAT NEED TO BE CHANGED AS WELL.

IF YOU CHOSE TO, YES, YOU COULD CHANGE IT. I BELIEVE. I WOULD HAVE TO ASK LEGAL TO SEE IF THAT'S SOMETHING THAT CAN BE DONE AT THIS TIME.

COUNCILMEMBER, THIS ORDINANCE HAS NOT COME TO YOU ALL FOR YOUR CONSIDERATION YET. ALL -- IT'S STILL IN THE PROCESS. SO -- SO YOU KNOW, YES, YOU KNOW, YOU ALL CAN DEBATE THE -- THE AMENDMENTS THAT YOU WANT TO HAVE MADE TO THAT AND -- AND THE PROPOSALS THAT YOU

ALL WOULD LIKE TO SEE DONE, THOSE COULD BE INCLUDED IN THE AMENDMENTS.

WE COULD MAKE AMENDMENTS TO THE MORATORIUM EXTENSION TODAY TO ADDRESS THAT SOME THINGS ARE NOT INCLUDED UNDERSTAND THE MORATORIUM EXTENSION?

WELL, WHAT -- WHAT IS -- LET ME MAKE THIS PROPOSAL TO YOU. WHAT IS -- AN ORDINANCE BEFORE ON THE MORATORIUM EXTENSION IS JUST SIMPLY AN EXTENSION OF THE MORATORIUM AS IT IS. THAT'S THE ORDINANCE THAT YOU HAVE IN FRONT OF YOU. IF IT IS YOUR DESIRE TO -- TO CHANGE THE PROVISIONS OF THE MORATORIUM ITSELF AS OPPOSED TO THE -- AS OPPOSED TO THE UNDERLYING CODE PROVISIONS, I THINK THAT IS SOMETHING WE WOULD REALLY NEED TO BRING BACK TO YOU FOR YOU TO CONSIDER AT A FUTURE COUNCIL MEETING. WE WILL BE HAPPY TO DO THAT. WE COULD BRING THAT BACK -- WE COULD BRING THAT BACK AS QUICKLY AS POSSIBLE. WHAT I -- WHAT WE HAVE TO DETERMINE -- WHAT WE WOULD HAVE TO DETERMINE IS WHAT ALL NEEDS TO BE DONE IN ORDER TO MODIFY THAT MORATORIUM. IF IT IS THE DESIRE TO MODIFY THE MORATORIUM ITSELF. I APOLOGIZE. I THOUGHT WE WERE TALKING ABOUT THE SUBSTANCE OF THE CODE PROVISIONS.

I GUESS WHAT I'M WONDERING IS THEN I MEAN -- WE CLEARLY HAD A PROBLEM, SOME OTHER COUNCILS HAD -- THAT WE DISCOVERED THAT THERE'S A COUPLE NARROW -- VERY NARROW AREAS WITHIN THIS MORATORIUM THAT -- THAT -- THAT MS. GALLON GALLAHAN IDENTIFIED THAT CAUSED A LITTLE BIT OF CONFUSION.

WE WILL BE HAPPY TO BRING THOSE BACK TO YOU. OF CRITICAL IMPORTANCE RIGHT NOW IS EXTENDING THE MORATORIUM AS A WHOLE. WHAT WE WOULD DO IS WE WOULD RECOMMEND THAT WE BRING THOSE OTHER CHANGES TO THE MORATORIUM BACK TO YOU.

McCracken: SO ALL WE CAN DO IS EITHER JUST EXTEND THE MORATORIUM, WE CAN'T EXTEND PORTIONS OF THE MORATORIUM, WE COULDN'T AMEND WHAT WE WERE

EXTENDING?

LET ME DO THIS. I DON'T HAVE AN ORDINANCE READY THAT ADDRESSES THE CHANGES THAT YOU WISH TO MAKE.

McCracken: SURE.

THAT'S MY PROBLEM.

McCracken: THAT'S FINE. I UNDERSTAND. WE CAN JUST TAKE IT UP IN A WEEK OR TWO THEN.

LET ME BRING THOSE CHANGES TO THE MORATORIUM BACK TO YOU IN TERMS OF DOING IT TODAY I THINK YOUR SAFEST BEST IS TO GO AHEAD AND STENLD THE MORATORIUM, WHAT -- EXTEND THE MORATORIUM, WHAT WE WILL DO IS BRING BACK AN AMENDMENT TO THE MORATORIUM AT A FUTURE DATE THAT ADDRESSES THE ISSUES THAT YOU WANT TO HAVE CHANGED IN THE MORATORIUM ITSELF.

McCracken: OH, THAT'S FINE.

OKAY, THANK YOU.

Mayor Wynn: THANK YOU. COUNCILMEMBERS, FURTHER COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ?

Alvarez: SO I GUESS IF COUNCILMEMBER MCCRACKEN COULD FORWARD THAT INFORMATION TO US, CERTAINLY THAT WOULD BE HELPFUL IN TERMS OF ANALYZING ANY PROPOSED CHANGES. BUT CERTAINLY I HOPE WE CAN HAVE A DIALOGUE ABOUT THAT, THIS IS THE FIRST THAT I'VE HEARD ABOUT ANY CHANGES TO THE MORATORIUM AND SO I CERTAINLY DO THINK THAT WE SHOULD HOLD ON ON ANY CHANGES TODAY. HOLD OFF ON ANY CHANGES TODAY. BUT IF THE COUNCILMEMBER CAN COORDINATE WITH THE SPONSORS OF THESE ITEMS TO WORK ANY -- ANY ISSUES OUT.

McCracken: MAYOR?

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: YEAH, COUNCILMEMBER ALVAREZ RAISED A GOOD POINT. I HAVE JUST RECENTLY BECOME AWARE THAT THERE WERE TWO VERY MINOR ISSUES THAT -- THAT OUR DEFINITION OF THE MORATORIUM -- IN THE MORATORIUM WAS DIFFERENT I GUESS APPARENTLY MS. TERRY ALLUDED TO THAN WHAT WOULD BE CONSIDERED IN THE ORDINANCE ITSELF FOR GARAGE APARTMENTS, THAT IS THAT WE HAVE DONE A FOOTPRINT AS OPPOSED TO LIVING SPACE. THAT MEANS THAT PORCHES, FOR INSTANCE, WOULD BE INCLUDED AS PART OF THE MEASURED AREA ABOUT WHAT APPLIES. THE SECOND ISSUE IS THAT THERE ARE CERTAIN NEIGHBORHOOD PLANS WHICH THEY HAVE FOR INSTANCE DESIGN GUIDELINES AND THERE'S NO PROVISION TO -- TO ACCOMMODATE A NEIGHBORHOOD PLAN ON THIS. THAT -- THAT MAY BE AN EXCEPTION THAT WE DON'T WANT TO GET INTO. THESE ARE ISSUE THAT'S HAVE BEEN RAISED AND -- ISSUE THAT'S HAVE BEEN RAISED AND I WAS SEEKING INFORMATION TODAY.

Mayor Wynn: THANK YOU, FURTHER COMMENTS? QUESTIONS ON THE CONSENT AGENDA AS READ? WE HAVE A MOTION AND A SECOND ON THE TABLE. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Slusher: MAYOR? I HAD WANTED TO PULL NUMBER 31 BECAUSE I'M REWRITING THE RESOLUTION SLIGHTLY AND I FAILED TO DO THAT. DURING THE CONSENT. COULD I MOVE TO RECONSIDER THAT, BRING IT BACK UP IN A FEW MINUTES AFTER I GET DONE. I WOULD MOVE TO CAN HE RAILROAD 31, THAT'S THE BARTON SPRINGS FREE SWIM DAY.

Mayor Wynn: THANK YOU, MOTION MADE BY COUNCILMEMBER SLUSHER, I WILL SECOND TO RECONSIDER APPROVAL OF ITEM NO. 31, ALL THOSE IN FAVOR OF THE RECONSIDERATION PLEASE SAY AYE?

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF NOW OFF THE --

MOTION NOW OFF THE CONSENT AGENDA, IT WILL BE BROUGHT BACK AT A LATER TIME.

Slusher: FAIRLY SOON.

Mayor Wynn: THANK YOU. COUNCILMEMBER WHILE YOU HAVE THE FLOOR WOULD YOU LIKE TO BRING UP ITEM NO. 5, YOUR PULLED ITEM REGARDING THE IRON ROCK MOTOR SPORTS CONTRACT OR LEASE AT BERGSTROM AIRPORT.

Slusher: YEAH. I HAVE SORT OF STRUGGLED WITH THIS ONE, MAYOR. I UNDERSTAND THAT THE AIRPORT NEEDS THE FUNDS AND THE SAFETY RECORD, FROM WHAT I'VE READ IS FAIRLY GOOD. A COUPLE OF BROKEN COLLARBONES WHICH IS UNFORTUNATE. BUT I GUESS I'M STILL NOT TOTALLY COMFORTABLE WITH IT. I THERE'S PROBABLY ENOUGH PEOPLE THAT ARE THAT IT'S GOING TO PASS TODAY. BUT I'M ALSO CONCERNED ABOUT -- I MEAN, HOW PEOPLE GET TO KNOW -- GOT TO KNOW THE PARKING LOT WAS AVAILABLE, I GUESS YOU CAN APPROACH THE AIRPORT AND ASK AND THAT'S -- THAT'S OF COURSE LEGALLY FINE AND EVERYTHING. AND -- BUT THERE MIGHT BE OTHERS OUT THERE THAT WANTED IT, BUT I GUESS THAT'S NOT AS IMPORTANT TO ME AS THE SAFETY ISSUE. THEN THE ISSUE OF THAT'S GOING TO BE ONE OF THE FIRST THINGS FOLKS SEE WHEN THEY COME INTO THE CITY. BUT -- IT'S A TOUGH ONE, I WILL ACKNOWLEDGE, ESPECIALLY GIVEN THE -- THE FINANCIAL SITUATION AT THE AIRPORT. I WILL YIELD THE FLOOR WITH THAT. OBVIOUSLY I'M NOT GOING TO MAKE A MOTION AND APPROVAL.

Mayor Wynn: THANK YOU. ACTUALLY IF JIM SMITH, THE DIRECTOR OF OUR AVIATION DEPARTMENT COULD -- COULD COME ADDRESS US. I THINK THERE'S A FEW MORE QUESTIONS LEFT OVER FROM LAST WEEK.

YES, SIR.

Mayor Wynn: SEEMINGLY A PRIMARY QUESTION LAST WEEK WAS JUST THE -- THE WHOLE CONCEPT OF AIRPORT SECURITY AND THE -- SORT OF THE COMBINATION OF EMERGENCY RESPONSE TO THIS FACILITY. THAT IS WHAT IMPACT OR BURDEN MIGHT IT HAVE ON YOUR PARTICULAR

SECURITY FORCE AND OPERATIONS AT THE AIRPORT AND, YOU KNOW, HOW REASONABLY CAN OUR EMERGENCY DEPARTMENTS EXPECT TO RESPOND TO AN ISSUE THERE.

FIRST OF ALL, THIS LOCATION IS -- IS EAST OF THE TERMINAL AND PROBABLY THREE-QUARTERS OF A MILE TO A MILE DEEP INTO THE PROPERTY. SO IT IS NOT VISIBLE FROM THE HIGHWAY OR EVEN -- IT'S NOT VISIBLE FROM THE ENTRANCE INTO THE AIRPORT. SO IT A RELATIVELY REMOTE, HIDDEN AREA, IN THE UNSECURE PORTION OF THE AIRPORT. AFTER MEETING WITH MIKE SCOTT, WHO IS THE FEDERAL SECURITY DIRECTOR ASSIGNED TO AUSTIN-BERGSTROM INTERNATIONAL AND HE REVIEWED THE PLANS, IT WAS HIS ESTIMATION THAT SECURITY WOULD ACTUALLY BE ENHANCED AT THE AIRPORT BY ALLOWING THIS BUSINESS TO MOVE IN BECAUSE THIS IS A REMOTE AREA, THE IMPROVEMENTS WOULD ACTUALLY ENHANCE SECURITY WITH SECURITY CAMERAS. MORE IMPORTANTLY, IT WOULD ACTUALLY HAVE LIVE PEOPLE IN THAT PARTICULAR LOCATION WHICH IS ALWAYS BETTER THAN HAVING A VACANT AREA WHEN YOU ARE TRYING TO PATROL. SO INCLUDED IN THE PACKAGE THAT YOU RECEIVED, AN E-MAIL BASICALLY THAT SAYS HE THINKS THE SECURITY AT THE AIRPORT WOULD BE IMPROVED BY ALLOWING HIS BUSINESS TO OPERATE AT THE AIRPORT.

Mayor Wynn: THANK YOU, MR. SMITH. ALSO TO COUNCILMEMBER SLUSHER'S POINT, WHICH IS VERY CREDIBLE, WHAT PROCESS OR FORMAT IS THERE FOR THE -- THAT YOU FOLLOW THAT ALLOWS FOLKS OUT IN THE COMMUNITY TO UNDERSTAND THAT THERE MIGHT BE OTHER, YOU KNOW, OPPORTUNITIES ON THE AIRPORT PROPERTY. AND ARE THERE ANY MORE?

IT'S A COMBINATION OF -- WE GETTING APPROACHED BY PEOPLE AND US ALSO DOING SOLICITATIONS. FOR EXAMPLE, THE -- THE NATIONAL GUARD FACILITIES IN THE MIDDLE OF THE AIRPORT, THAT CAN ONLY BE REACHED FROM THE SOUTH SIDE OF THE AIRPORT WILL BECOME VACANT SHORTLY AS THE NATIONAL GUARD MOVES TO THEIR NEW FACILITIES AT THE SOUTH END OF THE AIRPORT JUST OFF BURLESON ROAD. THAT WILL CREATE TEMPORARY STRUCTURES AVAILABLE FOR SHORT-TERM LEASES. WE

WILL BE TRYING TO GO OUT AND TRYING TO FIND PEOPLE WHO WILL LEASE THAT SPACE FROM US. YOUMENTS HAVE ON THE SOUTH SIDE OF THE AIRPORT ALONG BURLESON ROAD, SINCE THE AIRPORT OPEN WE HAVE A CONCRETE WATCHING PLANT THAT EXISTED PRIOR TO THE AIRPORT OPENING THAT STILL REMAINS THERE. THERE'S A NUMBER OF BUSINESSES WHICH LEASE LAND FROM THE AIRPORT. EVENTUALLY, SOME OF THE LAND, WHICH HAS FRONTAGE ALONG THE HIGHWAY, WE'LL BE DOING A -- MAJOR SOLICITATIONS TO SEE IF THERE ARE BUSINESSES THAT WOULD LIKE TO CONDUCT BUSINESS THERE. BOTH ON A SHORT-TERM AND LONG-TERM BASIS. OBVIOUSLY THE AIRPORT NEEDS TO PRESERVE THAT LAND WHICH WILL BE USED FOR AVIATION PURPOSES LONG TERM FOR AVIATION USES. BUT THERE'S PROBABLY SOME LAND WHICH IS IN THE 4200 ACRES THAT THE AIRPORT OWNS THAT ON A LONG-TERM BASIS COULD BE LEASED OUT FOR OTHER BUSINESS PURPOSES, WHICH IS COMMON AMONG AIRPORTS. A LOT OF AIRPORTS HAVE THEIR OWN INDUSTRIAL PARKS AND A VARIETY OF OTHER THINGS LIKE THAT WHICH THEY EARN REVENUE OFF OF.

Mayor Wynn: GENERALLY SPEAKING, HOW DOES THE PUBLIC OR A BUSINESS PERSON OUT IN THE COMMUNITY KNOW OF THESE OPPORTUNITIES?

MOST OF THEM, LIKE I SAID, MOST OF THEM PEOPLE APPROACH US. ON A DAILY BASIS WE GET PEOPLE COMING IN WITH IDEAS ABOUT BUSINESSES TO BE DONE AT THE AIRPORT. THEY ARE NOT BASHFUL ABOUT APPROACHING THE AIRPORT. WHEN WE HAVE AN IDEA THAT WE WANT TO TRY TO DO, WE HAVE A FORMAL CITY SOLICITATION THAT GOES OUT TO ALL OF THE PEOPLE THAT WE THINK COULD PROVIDE THAT BUSINESS. WE ARE NOT IN THE PROCESS OF DOING ANY OF THOSE RIGHT NOW, BUT THEY GET DONE THAT ANY OTHER CITY PROPERTY WOULD BE LEASED.

THANK YOU.

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: WE HAVE GOT HERE, I DON'T KNOW IF IT'S MR. SMITH OR THE CITY ATTORNEY, EITHER ONE, BUT I SEE ON THE

BACK OF -- OF THE BACKUP THAT THERE'S A RELEASE, WAIVER OF LIABILITY, SUSMTION OF RISK, IN-- ASSUMPTION OF RISK, INDEMNITY AGREEMENT. WHAT I AM WONDERING IS, ONE, WOULD THAT COVER THE CITY. TWO, IS THERE ANY OTHER CITY FUNCTION OR FUNCTION ON THE CITY PROPERTY THAT REQUIRES PEOPLE TO SIGN A LIABILITY WAIVER?

THE LIABILITY WAIVER THAT YOU ARE REFERRING TO IS WHAT -- IS WHAT THE TENANT WOULD REQUIRE OF PEOPLE WHO ARE PARTICIPATING.

Slusher: RIGHT. BEFORE YOU GET IN THE GO KART YOU HAVE TO SIGN THIS THING.

WE, IN THE TERMS OF OUR LEASE CHRKS WE ARE DRAFTING, WE WILL BE REQUIRING THAT THOSE RELEASES ALSO COVER THE CITY IN ITS CAPACITY AS THE LANDLORD. THE ANSWER TO YOUR FIRST QUESTION IS YES, THEY WILL COVER THE CITY. AS FOR WHETHER OR NOT THERE ARE ANY OTHER CITY ACTIVITIES FOR WHICH RELEASES ARE REQUIRED, I CAN'T SPEAK FOR THE CITY AS A WHOLE, BUT FOR EXAMPLE WITH THE RUNWAY RUN THAT WAS HELD AT A AIRPORT A MONTH OR SO AGO, PARTICIPANTS IN THAT ARE REQUIRED TO SIGN A RELEASE. SO THERE ARE MANY INSTANCES WHERE -- WHERE A CITIZEN WHO IS PARTICIPATING ON SOME KIND OF AN ACTIVITY ON CITY PROPERTY MAY BE REQUIRED TO SIGN A -- A RELEASE AND A WAIVER.

Slusher: DO YOU KNOW -- DO WE KNOW ANY OTHER, CITY MANAGER OR CITY ATTORNEY? YOU DON'T HAVE TO BEFORE YOU GO SWIMMING IN A POOL.

COUNCILMEMBER, I'M TRYING TO THINK. FOR THE RECORD THE SPEAKER WAS DAVID PETERSON, WHO IS ONE OF THE ASSISTANT CITY ATTORNEYS WITH THE LAW DEPARTMENT. IN TERMS OF GENERALLY AROUND THE CITY, WHAT OTHER ACTIVITIES I'M TRYING TO THINK OF SPECIFICALLY. I KNOW THAT THERE ARE MANY ACTIVITIES WHERE WE REQUIRE PARTICIPANTS TO EXECUTE SOME KIND OF RELEASE OR SIMILAR LANGUAGE. I WILL BE HAPPY TO --

Slusher: SO IT IS ACCURATE THAT THERE'S MORE THAN THIS ONE.

OH, ABSOLUTELY, YES, COUNCILMEMBER.

Slusher: ON A DAILY BASIS, ARE THESE USUALLY EVENTS OR SOMETHING THAT OCCURS EVERY DAY?

UM EVENTS FOR SURE. THINGS THAT OCCUR EVERY DAY ARE USUALLY PARTICIPATION IN A PARTICULAR PROGRAM OR THE ACTIVITY. THE PROGRAM OR ACTIVITY MAY BE GOING ON EACH DAY OR NEARLY EACH DAY LOT PARTICIPANTS MAY CHANGE IF THAT RESPONSE MAKES --

Slusher: DO THESE THINGS, I HOPE I DON'T DRIVE US INTO EXECUTIVE SESSION ON IT, BUT DO THESE THINGS, THE LIABILITY WAIVERS, DO THEY COVER NEGLIGENCE ON -- ON THE COMPANY'S PART?

YOU HAVE ABOUT DRIVEN US INTO AN EXECUTIVE SESSION, COUNCILMEMBER.

COUNCILMEMBER, PERHAPS I CAN HELP YOU. IN ONE RESPECT THAT THE TERMS OF THE LEASE WITH THE -- WITH IRON MOUNTAIN -- I'M SORRY, IRON ROCK MOTOR SPORTS WILL CONTAIN VERY ELABORATE INDEMNITY PROVISIONS AND RELEASE REQUIRING THEM TO HOLD THE CITY HARMLESS FOR ANYTHING THAT WILL HAPPEN ON THEIR PREMISES.

Slusher: OUR PREMISES.

WELL, THE PREMISES THAT THEY WILL BE LEASING FROM THE CITY, YES.

Slusher: OKAY. WELL, I THINK WE HAVE PROBABLY KNOW WHAT THE DISCUSSION WOULD BE IN EXECUTIVE SESSION. BUT I WILL LEAVE IT AT THAT. THAT'S ANOTHER REASON THAT I'M NOT COMFORTABLE WITH IT. UNLESS SOMEBODY ELSE WANTS TO HAVE AN EXECUTIVE SESSION.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I'M ALSO UNCOMFORTABLE WITH THE SAFETY ISSUES. THREE OF THEM, PROXIMITY, CHILDREN SAFETY, WHAT HAPPENS AT GO KART RACES, SO FORTH WITH YOUNG DRIVERS. I THINK THE COMMENT THAT BOTHERED ME THE MOST WAS YOU HAVE TO BE SIX BEFORE YOU CAN GO 30 MILES PER HOUR. SO THE COMBINATION OF SIX-YEAR-OLDS AND 30 MILES PER HOUR BOTHERED ME. AND THEN I AM WONDERING ABOUT OVERALL SECURITY. SO LET ME ASK -- JIM MENTIONED CAMERAS AND SURVEILLANCE. I THINK YOU MENTIONED. AND UNLESS SOMEONE IS MONITORING THOSE CAMERAS 24 HOURS A DAY, I WOULD THINK THAT WOULDN'T HELP SECURITY. IS THAT THE PLAN, SOMEONE WILL BE PANNING THE CROWDS AND ENTRANCE GATES AND HAS A -- HAS A REFERENCE AT HAND FOR ANYONE WHO MIGHT COMPROMISE SECURITY?

WELL, LET ME TRY TO GIVE A BROAD OVERVIEW. WE DON'T LIKE TO DISCUSS ALL OF THE DETAILS OF THE SECURITY OPERATIONS AT THE AIRPORT. BUT THE TECHNOLOGY TODAY, FIRST OF ALL, IS MONITORED 24 HOURS A DAY. WE HAVE A COMMUNICATIONS CENTER WHICH IS ALWAYS OPERATIONAL. THEY REVIEW THE CAMERAS. MODERN TECHNOLOGY TODAY ALLOWS YOU TO PROGRAM THESE CAMERAS IF SOMETHING IS OCCURRING THAT YOU PROGRAM IN SHOULDN'T BE OCCURRING IT IMMEDIATELY COMES UP ON THE SCREEN BECAUSE WE HAVE HUNDREDS OF CAMERAS AT THE AIRPORT. AND OBVIOUSLY WE CAN'T HAVE HUNDREDS OF SCREENS. SO WHEN SOMEBODY IS SITTING IN THE OPERATIONS CENTER, A LOT OF THESE CAMERAS ARE PROGRAMED SO THAT THAT SCREEN WILL COME ON AT ANY LOCATION WHERE THERE'S SOMETHING OCCURRING WHICH SHOULDN'T BE OCCURRING. SO SHORT EXPLANATION TO SAY, YES, IT'S A VERY ELABORATE SECURITY SYSTEM THAT MONITORS ALL ASPECTS OF THE PROPERTY, IN ADDITION WE ARE REQUIRED BY THE FEDERAL LAW TO -- TO DO PATROLS OF THE AREA, BOTH THE PERIMETER OF THE ENTIRE AIRPORT AS WELL AS AREAS ON THE AIRPORT. IT WAS THE OPINION OF THE FEDERAL SECURITY DIRECTOR, HOWEVER, THAT BASICALLY MOVING THE BUSINESS IN, WHERE YOU ACTUALLY HAVE EYES AND EARS IN A LOCATION IS ALWAYS BETTER SECURITY THAN HAVING IT VACANT. EVEN WITH THE

SECURITY CAMERAS. SO HE JUST FELT THAT THIS WAS ENHANCING THE OVERALL SECURITY THAT WOULD BE IN THAT LOCATION.

Goodman: THAT'S INTERESTING. I WOULD -- FROM A LAYPERSON'S VIEWPOINT WOULD HAVE A DIFFERENT PERSPECTIVE THAN THAT. ANYWAY, IT IS THE SAFETY ISSUES FOR ME AND I WON'T BE VOTING FOR IT TODAY. BUT I WOULD ALSO LIKE TO KNOW, I KNOW PROPOSALS HAVE BEEN BROUGHT FORWARD A PRETTY LONG TIME AGO NOW, AND IN AN EFFORT TO ENHANCE REVENUE GENERATION I KNOW PROPOSALS THAT I THINK ARE -- ARE FROM RUMOR ESTIMATED TO BE ALMOST THREE TIMES OR MAYBE A LITTLE MORE REVENUE HERE. SO MY QUESTION I GUESS REALLY CAN'T BE ANSWERED BECAUSE YOU ALREADY TALKED ABOUT WHAT PROCESS OR NON-PROCESS EXISTS. BUT -- BUT IT WAS INTERESTING THAT THIS IS A MORE RECENT PROPOSAL AND IT -- IT MADE IT RIGHT THROUGH THE SYSTEM WHEREAS A PREVIOUS PROPOSAL OR TWO, I DON'T KNOW BECAUSE THIS IS GRAPEVINE STUFF, STILL HASN'T COME TO A --

WELL, IF YOU CAN IDENTIFY THE PROCESS, I CAN TELL YOU WHERE IT IS. OR THE -- WHAT YOU ARE REFERRING TO.

IT HAS TO DO WITH -- WITH VENDORS IN THE AIRPORT. IN THE TERMINAL.

ALL WE HAVE CURRENTLY AT THE AIRPORT, AT THE EXISTING VENDORS PROPOSING TO EXTEND THEIR LEASES, THAT IS A DECISION THAT ULTIMATELY WILL HAVE TO BE MADE BY COUNCIL WHEN WE BRING IT FORWARD AND YOU'LL BE DECIDING WHETHER OR NOT YOU WANT TO HAVE COMPTITION OR NOT HAVE COMPTITION BECAUSE THAT'S ESSENTIALLY WHAT THE EXTENSION OF THE LEASE WOULD DO. YOU WOULD BE ALLOWING THE EXISTING PEOPLE TO STAY THERE A LONGER PERIOD OF TIME AS OPPOSED TO WHEN THEIR LEASES EXPIRE PUTTING THAT OPEN FOR COMPTITION.

I ASSUME THAT IT'S IN EXCHANGE FOR SOMETHING, WHAT I HAVE BEEN HEARING IS REVENUE.

OBVIOUSLY WE WOULD BE TRYING TO ENCOURAGE THE PROPOSERS OF THIS TO PUT SOMETHING ON THE TABLE IN EXCHANGE FOR THAT. ULTIMATELY THE COUNCIL WILL HAVE TO EVALUATE WHATEVER THEY PUT ON THE TABLE IS SUFFICIENT TO JUSTIFY NOT HAVING ADDITIONAL COMPETITION.

Goodman: I LOOK FORWARD TO HEARING WHAT THE PROPOSALS ARE.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I WILL SAY THAT [INDISCERNIBLE] HAD A BRIEF CONVERSATION WITH THE MAYOR AND MAYOR PRO TEM UP IN CEDAR PARK. THEY APPARENTLY HAVE AN ANNUAL EVENT UP THERE THAT FEATURES THESE LITTLE VEHICLES AND AS -- IT WAS TOLD TO ME THEY ARE VERY, VERY POPULAR. IT'S A VERY POPULAR FAMILY EVENT TO GO TO AND EXPERIENCE. THEY DID SAY, HOWEVER, IT'S QUITE IS FOR SEE AND THAT IF -- QUITE NOISY, IF THEY COULD FIND A SITE IN CEDAR PARK TO SITE SOMETHING LIKE THIS THEY WOULD DO IT BUT IT'S LOUD THEY SUGGESTED THAT IN FACT THE REGIONAL AIRPORT IS ONE OF THE OBVIOUS FEW PLACES IN A REGION WHERE NOISE IS -- IS OBVIOUSLY PERMITTED AND IS ALREADY THERE. IT WAS INTERESTED TO HEAR FROM SOME OF OUR SUBURBAN FRIENDS ABOUT THE POPULARITY OF THIS SPORT, ABOUT HOW WELL THAT IT'S RECEIVED. BUT THAT THE ONE COMPLICATING FACTOR THAT THEY WOULD HAVE WITH IT, THEY IN FACT CAN DEAL WITH APPROPRIATELY WITH OUR AIRPORT PROPERTY. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: THANKS, MAYOR. I HAVE STRUGGLED WITH THIS ONE, TOO. BUT I REALLY HAVE SOME CONCERNS ABOUT THE LOCATION OF THE OPERATION. SO CLOSE TO THE TERMINAL AND THAT REALLY IS GOING TO BE THE BASIS FOR MY NOT SUPPORTING THE MOTION. BUT -- BUT I APPRECIATE ALL THE INFORMATION THAT'S BEEN PROVIDED SINCE LAST WEEK BECAUSE -- BECAUSE I THINK THAT WE DO HAVE A LITTLE BETTER UNDERSTANDING OF WHAT'S HAPPENING WITH THE -- WITH THE PROPOSAL. THANKS, MAYOR.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS?

McCracken: MAYOR? OUR AIRPLANE IS RUNNING A DEFICIT AND WE DO HAVE AN OBLIGATION TO THE TAXPAYERS TO MAKE SURE THAT WE ARE BALANCING OUR BUDGET AT THE AIRPORT AS WELL AS BALANCING THE CITY BUDGET. THIS SEEMS LIKE A PERFECTLY REASONABLE WAY TO RAISE REVENUE. TO HELP MEET OUR -- FIDUCIARY OBLIGATION TO - TO KEEP THE AIRPORT BUDGET BALANCED. FURTHER COMMENTS?

Goodman: JUST TO FOLLOW-UP ON WHAT COUNCILMEMBER MCCRACKEN MENTIONED, THAT'S EXACTLY THE ROPE I ASKED ABOUT THE OTHER -- THE REASON THAT I ASKED ABOUT THE OTHER PROPOSES OUT THERE WHERE THE REVENUE IS WAY BEYOND WHAT WE ARE SEEING HERE TODAY. THERE'S NO QUESTION ABOUT SAFETY OR PROXIMITY TO THE TERMINAL WITH THOSE. >>SLUSHER:

Slusher: NOT SURE THAT'S ACCURATE ABOUT THE AIRPORT RUNNING A DEFICIT. WE ARE FACING DIFFICULTIES AND CHALLENGES THERE. IF WE WERE RUNNING A DEFICIT WE WOULD HAVE TO MAKE IT UP FROM OTHER FUNDS, I WOULD THINK.

THE PROPOSED BUDGET THAT'S BEFORE YOU, YOU WILL BE CONSIDERING THIS YEAR FOR -- FOR NEXT YEAR, THE AIRPORT'S BUDGET ON A CASH FLOW BASIS IS \$2.7 MILLION IN THE HOLE. THE WAY WE ARE COVERING THAT IS BY USING RESERVES WHICH HAVE BEEN BUILT UP OVER PREVIOUS YEARS. THE REASON THAT WE ARE NOT DEVELOPING A BALANCED BUDGET, IS 1.7 MILLION WOULD DRASTICALLY HAVE TO CHANGE -- 2.7 WOULD DRASTICALLY HAVE TO CHANGE THE AIRPORT, WITHOUT DIPPING INTO THE RESERVES.

YOU WOULD HAVE TO GO INTO THE RESERVES TO BALANCE IT.

ON A CASH FLOW BASIS WE WILL BE SPENDING 2.7 MILLION -- MORE THAN TAKING IN IN REVENUE. >> > SLUSHER: I WANTED TO CLARIFY THAT, THANK YOU.

Goodman: JIM, BEFORE YOU GO, YOU KNOW, THERE'S BEEN A LOT OF RECOGNITION OF HOW TRAVELLING HAS COME BACK

SORT OF NORMAL FROM PRE9/11 DAYS. SO THE FACT THAT OUR PASSENGERS, OUR TRAVELERS NUMBERS ARE GOOD MEANT NOTHING FOR REVENUE?

THE TRAFFIC SO FAR AT THE AIRPORT IS UP 6% OVER WHAT IT WAS LAST YEAR. BUT THE AIRPORT, AUSTIN IS KIND OF IN THE UNIQUE POSITION IN ITS PROXIMITY TO DALLAS AND HOUSTON, A VERY LARGE PORTION OF OUR TRAFFIC BEFORE 9/11 WAS BETWEEN DALLAS AND HOUSTON. THAT TRAFFIC DROPPED 30% AFTER 9/11 AND NEVER CAME BACK. PEOPLE ARE DRIVING TO DALLAS AND HOUSTON NOW. SO SOUTHWEST'S TRAFFIC ON THE DALLAS AND HOUSTON IS SIGNIFICANTLY LOWER. AS A MATTER OF FACT YOU MAY HAVE SEEN IN THE PAPER THAT SOUTHWEST IS GOING TO DROP TWO FLIGHTS STARTING OCTOBER 1. SO WHILE OVERALL SOME THINGS ARE DOING GOOD, THERE'S OTHER THINGS THAT AREN'T WORKING AS WELL AS THEY DID PRIOR TO 9/11. IN ADDITION, OBVIOUSLY, WE HAVE COMPETITION FROM THE OFF-SITE PARKING LOTS, WHICH DIDN'T EXIST 2.5 YEARS AGO, WHICH HAS DRAINED A SIGNIFICANT AMOUNT OF REVENUE FROM THE AIRPORT AS WELL. YOU ADD ALL OF THOSE THINGS UP, WE HAVE GONE FROM MAKING APPROXIMATELY 2,000 TO A 10 MILLION DOLLAR PROFIT TO -- TO THIS YEAR JUST BARELY BREAKING EVEN.

Goodman: WELL, I GUESS THAT'S SOMETHING WE WILL GET A LOT MORE DETAIL ON WHEN THE BUDGET PRESENTATION IS BEFORE US. IT WOULD BE GOOD TO CLEAR THAT UP. I THINK THERE ARE A LOT OF ASSUMPTIONS THAT YOU JUST KIND OF CUT THE LEGS OUT FROM UNDER.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS, ON ITEM NO. 5. >>

Thomas: JUST ONE.

I THINK THAT WE KNOW THAT WE ARE HERE TO MAKE SURE THAT THE AIRPORT CAN RUN EFFICIENT. BUT I CAN REMEMBER TWO OR THREE OR FOUR OR FIVE MONTHS AGO WE WERE SITTING HERE TRYING TO BRING REVENUE AND THEN WE WASN'T ABLE TO BRING IT. SO WE NEED TO BE FAIR ALL THE WAY ACROSS. WE NEED TO SUPPORT THIS ITEM. WE WILL TRY TO BRING REVENUE IN, DIFFERENT

FLAVOR, WE LOST A CONTRACT THAT WE COULD HAVE HAD MORE MONEY COMING IN. WE NEED TO BE MORE OPEN TO THAT SO WE CAN HELP THE AIRPORT RUN ITS BUSINESS.

Mayor Wynn: UNDERSTOOD. I WILL ENTERTAIN A MOTION ON ITEM NO. 5.

McCracken: MOVE APPROVAL.

Thomas: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM NO. 5. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 4-3 WITH MAYOR PRO TEM, COUNCILMEMBER ALVAREZ AND COUNCILMEMBER SLUSHER VOTING NO. THANK YOU ALL.

Mayor Wynn:, COUNCIL OUR NEXT, IF -- COUNCILMEMBER SLUSHER IS STILL WORKING ON PERHAPS A -- SOME LANGUAGE ON HIS ITEM, THAT TAKES US TO ITEM NO. 32, REGARDING THE AUSTIN MUSIC NETWORK, THE AUSTIN COMMUNITY ACCESS CENTER, INC.

Dunkerly: I PULLED THIS ITEM FOR TWO ROPES, TO GIVE THE MEMBERS OF THE TOETELECOM COMMUNITY IF THEY WANTED TO AND ALSO THE CORRECTION THAT WAS MADE TO THIS ITEM TO DIRECT THE CITY MANAGER TO TRANSFER THE REMAINING FUNDS UNDER THE CONTRACT FOR THE MANAGEMENT OF THE AUTOMATIC MUSIC NETWORK TO COMMUNITY ACCESS CENTER, THROUGH OPERATIONS OF SEPTEMBER 30th. ALSO TO BEGIN DISCUSSIONS ON THE TRANSITION PLAN FOR THE FUTURE. THEN ANOTHER SEGMENT OF IT WAS TO DIRECT THE CITY MANAGER TO -- TO HAVE A BACKUP PLAN FOR MUSIC PROGRAMMING ON CHANNEL 13 AS WE ENTER INTO NEXT YEAR. SO I WANTED TO MAKE THOSE TWO POINT. I'VE ALSO HAD SEVERAL COMMENTS, SEVERAL E-MAILS FROM -- FROM SOME OF THE PEOPLE THAT CAME TO THE TELECOMMUNICATION

COMMITTEE LAST WEEK TALKING ABOUT FREE SPEECH. WE ARE SIMPLY TALKING ABOUT HOW TO OPERATE A MUSIC NETWORK, HOW TO TRANSITION IT. IN NOW WAY DID OUR ACTION THEN OR TODAY INFRINGE ON ANY OF THE FIRST AMENDMENT RIGHTS THAT MANY OF THOSE FOLKS TALKED ABOUT. I WANTED TO CLARIFY THAT. SEE IF THE MAYOR PRO TEM HAD ANY COMMENTS OR ANYONE ELSE.

THANK YOU.

Goodman: THANKS, MAYOR AND COUNCILMEMBER DUNKERLY. IN IS A LITTLE DISCOMFORT FOR ME PERSONALLY RELATIVE TO THE LANGUAGE OF OUR -- -- RELATIVE TO THE LANGUAGE OF OUR RESOLUTION AND SOME OF THE LEGAL ANALYSIS THAT WE HAVE NOT YET RECEIVED ON DETAILS, FRANCHISE PROVISIONS AND -- AND PUBLIC ACCESS CHANNELS, WHICH, YOU KNOW, FOR US ARE CONTENT NEUTRAL. WHEREAS AMN WE HAVE SOME CONTENT ISSUES. SO -- SO WHAT I THINK WOULD MAKE IT EASIER WAS THAT ON THIS LAST TRANSFER OF REMAINING FUNDS THAT WE SIMPLY KEEP TO THE CONTRACT AND -- AND CHANGE OUR LANGUAGE TO -- TO FUND UNDER -- REMAINING FUNDS UNDER THE CONTRACT WITH THE KENNETH THREADGILL MUSIC PROJECT AND TAKE OUT IN THAT SENTENCE "TO AUSTIN COMMUNITY ACCESS CENTER." WHERE THE MANAGEMENT AND ALL OF THAT IS REMAINING, BUT THE FUNDING DIRECTLY TO -- TO KTMP. THERE'S BEEN A SUGGESTION FROM ONE OF THE ACTV PRODUCERS THAT WE [INDISCERNIBLE] DIFFERENT WAY OF DOING IT, WHERE WE ADD LANGUAGE THAT SAYS "IN ACCORDANCE WITH ACAC, ACTV'S FREE SPEECH PROVISIONS" OR LONG OF THAT NATURE. SO -- OR LANGUAGE OF THAT NATURE. SO PROBABLY I WOULD FEEL BETTER IF WE HAD SOME LEGAL EXPERTISE, I DON'T KNOW WHO WE HAVE GOT HERE WHO IS OUR LEGAL ON FRANCHISE. NOW, SONNY IS ON VACATION AND HE WENT TO SOME MEETINGS AS WELL. SO I REALLY DON'T KNOW WHO HAS A HANDLE ON THIS. BUT I DON'T WANT TO IN ANY WAY ACCIDENTALLY COMPROMISE THE ACCESS CHANNELS AND PROVISIONS THAT WERE THE BASIS FOR -- FOR PUTTING THOSE ON THE AIR IN THE FIRST PLACE.

Mayor Wynn: MAYOR PRO TEM, WE RARELY SUFFER FROM A

LACK OF LEGAL EXPERTISE IN THE ROOM, SO --

Goodman: DEPENDING ON WHO YOU ASK, OF COURSE.

DAVID PETERSON, ASSISTANT CITY ATTORNEY. IS THERE SOME SPECIFIC QUESTION THAT YOU WOULD LIKE ME TO ADDRESS, MAYOR PRO TEM?

Goodman: WELL, FROM THE VERY BEGINNING WHAT WE SAID WAS IF WE WERE GOING TO TRY TO MAKE THIS A HAND IN HAND, WIN-WIN-WIN WITH EVERYONE BEING WHOLE AND NOT COMPROMISED BY ANY MERGING THAT ISN'T STRICTLY FOLLOWING THE FRANCHISE, THERE WERE ISSUES THAT WE NEEDED TO ANALYZE AND BE ADVISED OF. AND THE SPECIFIC ONE THAT I THINK CAUSES THE PRODUCERS AT ACTV DISCOMFORT IS THAT THE FACT THAT IS A CONTENT NEUTRAL FORUM. THOSE ACCESS CHANNELS, WE ARE INTRODUCING AMN TO KEEP IT WHOLE. WHICH DOES IN FACT BY CONTRACT HAVE CONTENT PROVISIONS. SO -- SO HAVE WE IN ANY WAY COMPROMISED OR WOULD COMPROMISE BY MAKING THAT HYBRID AGREEMENT NOW WITH A COMPONENT OF CONTENT CONTROL WITHIN A FORUM THAT MUST REMAIN CONTENT NEUTRAL FROM US?

IT WOULD ULTIMATELY BE A FUNCTION OF HOW IT IS STRUCTURED. IT'S MY UNDERSTANDING THAT WHAT IS PROPOSED IS TO -- IS TO TRANSFER THE -- RESPECTIVELY A BLOCK OF MUSIC PROGRAMMING TO ACAC. WHICH WOULD HAVE OTHERWISE AIRED ON THE AUSTIN MUSIC NETWORK. THERE IS CURRENTLY MUSIC PROGRAMMING ON ACAC. AS I UNDERSTAND, WHAT IS BEING SOUGHT IS TO -- IS TO INCREASE THE AMOUNT OF THAT MUSIC PROGRAMMING WHICH WOULD HAVE OTHERWISE BEEN AIRING ON AUSTIN MUSIC NETWORK TO ALLOW IT TO BE AIRED ON ACAC. THAT IN AND OF ITSELF SHOULD NOT PRESENT ANY ISSUES. THERE WOULD NOT BE -- SO FAR AS I UNDERSTAND IT, THE PROPOSAL IS NOT TO -- NOT TO HAVE THE -- NOT TO HAVE THE AUSTIN MUSIC NETWORK MANAGEMENT TRANSFER OVER TO -- OVER TO ACAC OR TO IN ANY WAY HAVE THAT MANAGEMENT CONTROL THE AIRING OF THE AUSTIN MUSIC NETWORK OR THE -- THE AUSTIN MUSIC PROGRAMMING THAT WOULD BE SHOWN ON ACC -- ACAC. SO IF IT IS SIMPLY A MATTER OF -- OF ALLOWING PRODUCERS WHO -- WHO

WERE PRODUCING MUSIC PROGRAMMING THAT WAS SHOWN ON AUSTIN MUSIC NETWORK AND THEN BASICALLY REDIRECTING THAT AND INCREASING THE AMOUNT OF PROGRAMMING ON ACAC, ON THE ACCESS CHANNELS, THAT SHOULD NOT PRESENT ANY PROBLEMS.

Goodman: I THINK WHAT I'M TALKING ABOUT, THOUGH, IS THE OTHER PART OF THAT RESOLUTION, WHICH IS TRANSFERRING THE FUNDS, THE REMAINING FUNDS FROM THE CONTRACT WITH AMN, WITH KTMP TO -- TO ACTV. SOP DOES THAT COMPROMISE IN THAT PART OF AN ACTUAL CONTRACTUAL AMOUNT OF DOLLARS IS PROPOSED TO BE TRANSFERRED INTO ACTV'S ACCOUNT, THAT IMPLIES SOME MANAGEMENT OR SOME RESPONSIBILITY IN THOSE DOLLARS THAN -- THAN -- BECAUSE THEY ARE WITHIN A CONTRACT WITH AMN.

THE ACTION ITEM DOES NOT CALL FOR ASSIGNMENT OF THE CONTRACT WITH THREADGILL TO ACAC, BUT RATHER THE REALLOCATION OF FUNDS THAT WOULD HAVE BEEN OTHERWISE DEDICATED TO THAT CONTRACT AND TO TRANSFER TO ANOTHER ENTITY TO ALLOW IT TO PICK UP THE ADDITIONAL COST THAT IT MAY INCUR AS A RESULT OF THE ADDITIONAL PROGRAMMING. AND IF -- IF IT IS DONE IN THAT WAY AGAIN I DON'T THINK THAT THERE SHOULD BE A PROBLEM. ULTIMATELY THIS IS GOING TO BE -- THIS IS AN INTERIM MEASURE THAT IT'S SUPPOSED TO BE ONLY GOING THROUGH OCTOBER 1st AND A NEW CONTRACT WOULD HAVE TO BE ENTERED INTO AT THAT TIME TO ADDRESS THE - - THE OPERATION OF THE -- OF THE PROGRAMMING OR WHAT IS -- WHAT IS REFERRED TO AS THE AUSTIN MUSIC NETWORK AND HOW THAT'S GOING TO BE HANDLED. BUT SIMPLY BY ITSELF THE -- THE MOVEMENT OF PROGRAMMING AND -- AND THE TRANSFER OF SOME FUNDS THAT HAD BEEN DEDICATED TO ONE CONTRACT TO ANOTHER PERSON TO ALLOW THAT PERSON TO ASSUME, TO HELP MEET THE FINANCIAL BURDENS THAT THAT ADDITIONAL PROGRAMMING WOULD PRESENT, THAT IN ITSELF SHOULD NOT HAVE RAISED CONTENT AND FIRST AMENDMENT ISSUES.

Goodman: I THINK IT'S MORE THE FRANCHISE I'M THINKING OF.

THE FRANCHISE -- THE FRANCHISE SAYS THAT -- THE WORDS DIFFER SLIGHTLY BETWEEN THE TWO FRANCHISES, SO I'M GOING TO QUOTE FROM THE TIME WARNER ONE. IT SAYS THAT THE GRANTEE, IN THIS CASE TIME WARNER, INTENDS TO MAKE ONE FULL-TIME MUSIC CHANNEL AVAILABLE FOR THE EXHIBITION OF THE AUSTIN MUSIC NETWORK AND INTENDS TO INCLUDE ... LOCAL MUSIC THROUGHOUT THE TERM OF THE FRANCHISE PROVIDED THE QUALITY PROGRAMMING IS AVAILABLE AND CUSTOMER INTEREST IS -- IS TO CONTINUE. I THINK THAT'S REALLY A DIFFERENT ISSUE AS TO -- AS TO HOW THE -- HOW THAT OBLIGATION IS MET UNDER THE FRANCHISE AS TO WHETHER OR NOT CERTAIN AMOUNT OF PROGRAMMING IS -- IS DIRECTED TO -- TO AUSTIN ACCESS. AS THIS AGREEMENT IS WRITTEN, THERE -- THERE IS A CHANNEL, WHICH HAS BEEN DEDICATED TO -- TO THE EXHIBITION OF LOCAL MUSIC. EXACTLY, HOW THAT -- HOW THAT IS TO BE ACCOMPLISHED IS NOT REALLY SET FORTH IN THE -- IN THE FRANCHISE AGREEMENTS. THE ONLY THING IT REALLY SAYS IS THE ADMINISTRATION OF THE CHANNEL WILL BE PERFORMED BY THE CITY OR ITS DESIGNEE. BEYOND THAT THE FRANCHISE ITSELF DOES NOT REALLY GET INTO THE DETAILS OF HOW THAT IS GOING TO OPERATE. WHILE I SAID THE WORDING ISN'T EXACT, THE WORDING IS SIMILAR IN THE GRAND GRANDE FRANCHISE.

RIGHT, I WOULDN'T WORRY ABOUT CHANNEL 15 IN THE FUTURE, WHICHEVER, BUT AT THIS MOMENT WHAT I AM WORRIED ABOUT IS A SORT OF MURKY UNDERSTANDING OF MOVING A CONTRACTUAL OBLIGATION WITH ITS FUNDING INTO THE -- INTO THE FORUM WHERE -- WHERE THE PROVISIONS OF THE CONTRACT WITH AMN WOULD NOT BE PERMISSIBLE IF THERE WAS A CONTRACT BEING FORMULATED WITHIN THE FORUM OF ACTV.

WELL, AGAIN, I DON'T THINK THAT IT IS THE INTENT, AT LEAST AS I UNDERSTAND IT, TO HAVE -- TO HAVE THE -- THE -- THE CURRENT MANAGER THREADGILL MANAGE THE -- THE PROGRAMMING OF THE MUSIC THAT -- ON THE ACAC. IT'S MY UNDERSTANDING THAT THE MONEY IS BEING TRANSFERRED, AT LEAST AS WAS ORIGINALLY PROPOSED, THAT THE MONEY FROM THAT CONTRACT WAS GOING TO BE TRANSFERRED, BUT THAT THERE WASN'T SPECIFICALLY THE ENTIRE CONTRACT ITSELF WOULD NOT NECESSARILY BE ASSIGNED

OR THE -- ALL OF THE OBLIGATIONS UNDER THAT CONTRACT. BUT RATHER IT COULD PROVIDE A FUNDING MECHANISM TO ALLOW ACAC TO PICK UP THE -- THE ADDITIONAL COSTS AND BURDENS TO -- TO PROVIDE THAT ADDITIONAL PROGRAMMING.

Goodman: OKAY, WELL, I'LL LEAVE IT WITH THIS THEN. I DON'T UNDERSTAND HOW THE LEGAL LANGUAGE THAT IS NOT INCLUDE UNDERSTAND WHAT WE DO TODAY THEN PROVIDES FOR THAT. INCLUDED IN. THAT WOULD BE SOMETHING AKIN TO TERMINATION OF CONTRACT AND REALLOCATION OF FUNDING SINCE IT'S FOR THE GOING TO THE SAME PLACE, PERSON, AND INTENT ANYMORE.

IN EFFECT, YOU ARE -- I WOULD AGREE IN EFFECT YOU ARE TERMINATING THE -- BY NO LONGER FUNDING THE KENNETH THREADGILL CONTRACT, WHILE IT IS NOT AN EXPRESS TERMINATION, CERTAINLY THEY WOULD KNOW LONGER HAVE THE ABILITY TO PERFORM UNDER THEIR CONTRACT. SO THAT FUNCTION IS BASICALLY THE -- BEING MOVED OVER TO THE ACAC. AT LEAST IN TERMS OF PROVIDING A PLACE FOR THAT MUSIC PROGRAMMING TO AIR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. COUNCILMEMBER DUNKERLY?

Dunkerly: I WAS JUST POINTING -- TRYING TO GET YOUR ATTENTION TO COUNCILMEMBER ALVAREZ, HE WAS -- HE WAS WAITING, TRYING TO GET YOUR ATTENTION.

Mayor Wynn: THANK YOU, COUNCILMEMBER ALVAREZ, SORRY.

Alvarez: THANK, MAYOR. REALLY, I THINK THAT'S YOU KNOW WHAT -- WHAT THE GENTLEMAN EXPLAINED JUST NOW WAS SORT OF MY UNDERSTANDING IS THAT -- IS THAT THERE'S -- THERE'S SOME FUNDS LEFT IN OUR BUDGET, YOU KNOW, THAT -- THAT WERE FOR THE PURPOSE OF -- OF -- OF OUR CONTRACT WITH KTMP, THAT AT THIS TIME THE CITY MANAGEMENT DOESN'T FEEL COMFORTABLE TURNING OVER TO AMN, I THINK THAT THE RATIONALE BEHIND WHAT WE ARE DOING HERE IS TO SAY, OKAY, IF THAT MONEY DOESN'T GET USED TO FULFILL, YOU KNOW, THAT CONTRACT, KTMP

THEN, WELL, LET'S USE THOSE FUNDS TO HELP THIS TRANSITION OR -- OR THAT WE HAVE BEEN DISCUSSING THAT INVOLVES ACAC, AMN, AMP. IF THERE ARE GOING TO BE FUNDS THAT DON'T NECESSARILY GET UTILIZED THIS FISCAL YEAR, THAT AT LEAST THOSE FUNDS ARE USED TO FACILITATE, YOU KNOW, THESE DISCUSSIONS THAT WE ARE HAVING TO CONTINUE PROVIDING THE MUSIC PROGRAMMING ON CHANNEL 13 AND PARTNER WITH DIFFERENT ORGANIZATIONS TO MAKE THAT HAPPEN. I THINK THAT'S REALLY THE -- THE REASON WE DECIDED TO GO AND TO TALK ABOUT THE REMAINING FUNDS IS TO SAY, WELL, LET'S MAKE SURE THAT -- THAT THOSE FUNDS ACTUALLY GET USED TO FACILITATE THE AGREEMENTS OR THE POSSIBLE AGREEMENTS THAT -- THAT ARE BEING DISCUSSED WITH ALL OF THE VARIOUS PARTIES THAT ARE AT THE TABLE AND JUST WANT TO -- JUST KIND OF COMMUNICATE TO OTHER COUNCILMEMBERS, IT'S BEEN A LONG PROCESS THAT WE HAVE GONE THROUGH, WE DO ACTUALLY HAVE THREE PARTIES, REPRESENTATIVES FROM ALL OF THOSE THREE PARTIES HERE THAT ARE SUPPORTING THIS PARTICULAR EFFORTS. WE DID HAVE SOME CONCERNS RAISED FROM SOME PRODUCERS AT ACAC THAT WE HAVE TRIED TO BEGIN TO ADDRESS BY -- BY TALKING A LITTLE MORE PUBLICLY -- ABOUT THE SPECIFICS OF THIS PROPOSAL AND I THINK ADDING THE LANGUAGE ABOUT THE -- ABOUT THE FREE SPEECH PROVISIONS TO THIS MOTION I THINK IS SOMETHING THAT -- SOMETHING THAT -- YOU KNOW, I THINK I'M SUPPORTIVE OF TO MAKE SURE THAT MOVING FORWARD THAT THOSE ISSUES ARE CONCERNED. YOU KNOW, AGAIN, AS WE BEGIN THE DISCUSSIONS, THAT'S ACTUALLY WHAT THIS MOTION SAYS IS TO BEGIN THE DISCUSSIONS BETWEEN ALL OF THESE PARTIES ABOUT -- ABOUT WHAT ULTIMATELY IS GOING TO HAPPEN TO CHANNEL 15, SO THAT'S ONE THING. WE ARE TRYING TO DECIDE. THE OTHER THING IS -- IS TO FIGURE OUT WHAT HAPPENS TO THE REMAINING \$15,000. I BELIEVE THAT'S WHAT WE ARE TALKING ABOUT. ALTHOUGH -- ALTHOUGH IT'S REALLY JUST WHAT REMAINS IN THIS ACCOUNT THAT WE HAVE FOR CHANNEL 15 OR A CONTRACT WITH KTMP. THAT'S -- THAT'S SORT OF THE BACKGROUND ON THIS ITEM. I BELIEVE THERE'S TWO PARTS, ONE HAS TO DO WITH FUNDS REMAINING, HOW DO WE ALLOCATE THOSE

FUNDS. THE OTHER ONE HAS TO DO WITH BEGINNING THE DISCUSSIONS WITH ALL OF THESE DIFFERENT PARTIES FORMALLY, BECAUSE I THINK UP UNTIL NOW ALL OF THOSE DISCUSSIONS HAVE BEEN INFORMAL. GIVE A SPECIFIC DIRECTION TO THE CITY -- CITY MANAGER TO -- TO ENGAGE YOU KNOW ALL OF THESE PARTIES.

Mayor Wynn: THANK YOU, COUNCILMEMBER, WE APPRECIATE THE HARD WORK OF THE TELECOM SUBCOMMITTEE ON THIS, BECAUSE IT IS A COMPLICATED ISSUE. COUNCIL, WITHOUT OBJECTION, WE HAVE A HANDFUL OF CITIZENS SIGNED UP ISSUING TO ADDRESS US, PERHAPS MIGHT SHED MORE LIGHT ON OUR ACTION. THE FIRST SPEAKER, HOW ABOUT DETINE, BOWERS, I HOPE THAT I'M PRONOUNCING THAT CORRECTLY, MS. BOWERS. WELCOME, AND MR. JOHN VILLEREAL HAS DONATED HIS THREE MINUTES TO YOU IF YOU NEED IT. YOU WILL HAVE UP TO SIX MINUTES, FOLLOWED BY ALLAN DAVIDSON.

THANK YOU. WELL, GOOD MORNING TO YOU. MAYOR AND COUNCILMEMBERS AND STAFF. THANK YOU. I REPRESENT THE ACTV BOARD, DETINYE BOWERS, I WILL BEGIN BY SHARING THAT WE REALLY AS A BOARD AND ACTV IS REALLY FOCUSED ON -- ON CREATING COMMON GROUND, WORKING WITH GENUINE INTENT. TO HELP TO BRING TOGETHER DIFFERENT PARTIES AND TO COLLABORATE AND TO LISTEN TO EVERYONE INVOLVED IN THIS PROCESS BECAUSE THERE ARE MANY VARIABLES INVOLVED. I WILL SHARE WITH YOU FROM A STATEMENT FROM THE BOARD SO THAT ALL VOICES ARE REPRESENTED HERE, ACTV SUPPORTS THE -- THE SUBCOMMITTEE, TELECOMMUNICATION SUBCOMMITTEE'S RECOMMENDATION TODAY. BUT IT'S IMPORTANT THAT WE CLARIFY OUR ROLE IN FACILITATING A SUITABLE AGREEMENT WITH THE AUSTIN MUSIC NETWORK. WE WILL ASSIST THE COUNCIL AND THE AMN BY PROVIDING MANAGERIAL ADMINISTRATIVE SUPPORT FOR AMN THROUGH THE END OF THE CONTRACT WITH THE CITY. SEPTEMBER 30th. WELCOME DO THIS IN ORDER TO -- WE WILL DO THAT IN ORDER TO KEEP THE CHANNEL FROM GOING DARK, TO GIVE THE CITY COUNCIL TIME TO DEVELOP AUSTIN MUSIC PROGRAMMING, TO PROTECT THE MUSIC COMMUNITY BY MAIN OBTAINING A PERFORMANCE VENUE FOR LOCAL MUSICIANS, AGZ TO LOCAL MUSIC FOR AUSTIN

CONSUMERS -- ACCESS. TO PROTECT AND MAXIMIZE THE USE OF AUSTIN MUSIC ARCHIVES, TO ACCOUNT FOR AN INVENTORY, AMN EQUIPMENT, AND TO PROMOTE PUBLICITY REGARDING THE AMN'S CONTINUED OPERATION TO THE END OF ITS CONTRACT. AND TO COMPENSATE FOR AMN STAFF REDUCTION BY PROVIDING MANAGERIAL SUPPORT. UNDER THIS PRESENT PROPOSAL ACTV DOES NOT ANTICIPATE ANY OF THE PROGRAMMING INTO AN EXISTING CHANNEL. ACTV WILL ASSIST THE AMN IN ASSURING CHANNEL 15 WITH THEIR CURRENT INVENTORY OF PROGRAMS AND FACILITATING NEW PROGRAMS. THE AMN HAS A PROGRAMMING SCHEDULE THAT WILL OPERATE THROUGH SEPTEMBER 30th AND CONTINUE TO BE SHOWN ON CHANNEL 15. ACTV MANAGERIAL AND ADMINISTRATIVE SUPPORT MEANS THAT OUR PROVEN, PROFESSIONAL EXPERIENCE ENSURES THAT THE AMN OPERATIONS STAY WITHIN THE PROPOSED BUDGET. AND WE WILL PROVIDE OPERATIONAL SUPPORT TO ENSURE THAT THE RESOURCES ARE ALLOCATED TO THE CONTINUATION OF PROGRAMS ON THE AMN UNTIL THE END OF THE CONTRACT, SEPTEMBER 30th. ACAC REMAINS A PARTNER IN THE MUSIC COMMUNITY IN THE CITY OF AUSTIN OFFERING ITS ASSISTANCE TO ENSURE THAT THE AMN REMAINS THE LOCAL MUSIC CHANNEL. AND AS I SAID AT THE BEGINNING, WE REMAIN DEDICATED TO CREATING COMMON GROUND AND A WINDOW INTO AUSTIN'S CULTURAL WEALTH BY BRINGING THE DIFFERENT PARTIES TOGETHER, WORKING WITH EVERYONE, WORKING MORE WITH OUR PRODUCERS SO THAT EVERYONE UNDERSTANDS AND WE ALL LISTEN AND SHARE IN THIS PROCESS. BECAUSE THERE ARE MANY DIFFERENT COMPONENTS HERE. IT'S COMPLEX AND YET ITS PROBABLY VERY SIMPLE. THAT IS THE ABILITY TO COMMUNICATE CLEARLY AND WORK THROUGH THIS TOGETHER. THANK YOU. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND FROM WHAT I UNDERSTAND, THERE ARE SOME LARGE CORPORATIONS AND LARGE INTERESTS, CORPORATE INTERESTS, THAT WANT THAT CHANNEL. NOW, THAT CROSSED WITH MY MORALITY BECAUSE I CHANT THIS EVERYWHERE I GO THAT I HEARD WALTER CRONKITE SAY ONE DAY IN A DISCOURSE AT THE JOURNALISM DEPARTMENT IN U.T. AND I ASKED HIM IF I COULD COME

DOWN HERE TODAY, BUT HE WAS BUSY. HE SAID THAT THE FCC HAD ORIGINALLY GRANTED AIR TIME TO TELEVISION STATIONS WITH THE STIPULATION THAT THEY ALLOCATE A CERTAIN AMOUNT OF AIR TIME TO THE FREE DISSEMINATION OF NEWS, UNBIASED NEWS, WHETHER IT BE POLITICALLY BIASED OR CORPORATE BIASED NEWS. AND THAT IF THEY WOULD ALLOCATE NEWS TIME, FREE NEWS TIME, THAT THEY WOULD BE ALLOWED LICENSING UNDER THE F.C.C. SO THAT WENT INTO FEK AND THAT WAS PRETTY MUCH A SACRED TRUST WITH THE BROADCAST NETWORKS TO MAINTAIN THAT. AND DURING THE TIME OF WATERGATE, WALTER CAME UP WITH A STORY ONE NIGHT, IT WAS A 20-MINUTE EXPO SAY ON WATERGATE AND THE NETWORK GOT A CALL FROM THE WHITE HOUSE THAT IF THEY AIRED THAT 20 MINUTES, THEN THEIR LICENSE WOULD BE REVOKED. AND THEY WENT DOWNSTAIRS AND TOLD WALTER THAT HE COULD NOT REPORT THAT STORY. HE WHITTLED IT DOWN TO A THREE-MINUTE CLIP, AND THAT WAS THE FIRST TIME THAT THE FREE MEDIA HAD BEEN STEPPED ON. AND SINCE THAT TIME HAS CONTINUED TO BE STEPPED ON AND HAS DETERIORATED INTO THE RATINGS DRIVEN SEMI-NEWS THAT WE GET. I GO TO ALTERNATIVE MEDIA FOR MY OWN INFORMATION WHEN THE -- WHEN THE -- [BUZZER SOUNDS] WHEN THE BURG BE HEADING HAPPENED, I WENT TO RUSSIA TO FIND OUT ABOUT HIS FAMILY'S INQUIRIES TO THE F.B.I. TO SEE WHY HIS SON HAD GONE INTO THE F.B.I. CUSTODY INTO THE HANDS OF AL-QAEDA. AND THAT WASN'T ON AMERICAN NEWS IT WAS ON ACCESS TV AND IT WAS ON RADIO HAVANA, IT WAS ON THE VOICE OF RUSSIA, BUT IT DID NOT MAKE OUR MEDIA. SO WHEN IT COMES TO THE WHITTLING AWAY OF OUR FREE SPEECH ZONES, OUR FREE SPEECH -- WHICH AMERICA IS A FREE SPEECH ZONE, BUT WHEN WE NOW HAVE FREE SPEECH ZONES WHERE DISSENT IS FENCED INTO BARBED WIRE AREAS WHERE THEY HAVE A VOICE, SOMETHING IS APPALLINGLY OUT OF PLACE. AND I APPEAL TO THE HEART OF YOU ALL THAT THIS MONEY --

Mayor Wynn: I'M SORRY, I NEED TO WHITTLE AWAY AT YOUR FREE SPEECH. YOUR THREE MINUTES ARE UP.

THIS MONEY INDICATES YOUR EFFORT TO STAND SOLID ON THE PROTECTION OF EVERY INCH OF GROUND THAT WE DO

HAVE LEFT, THIS ONE EFFORT TODAY. THANK YOU.

Mayor Wynn: THANK YOU. STEPHEN RAY, WHO WILL BE FOLLOWED BY PAM COUNCIL.

GOOD MORNING. I'M A PRODUCER AT ACTV. I'D LIKE TO SAY THAT I URGE THE COUNCIL TO SUPPORT THE AMENDMENTS THAT WERE PUT FORTH BY MAYOR PRO TEM GOODMAN. I THINK THOSE MAKE THIS ITEM NUMBER 32 ACCEPTABLE IN ITS FORM TO -- I BELIEVE THAT ACTV PRODUCERS WOULD BE HAPPY WITH THAT AMENDMENT AT THIS POINT. I WANT TO SAY THAT THE -- BY INCLUDING TO COMMUNITY ACCESS CENTER IN THIS, IT DOES GET INTO SOME STICKY LEGAL GROUND, WHICH I THINK DAVID PETERSON DIDN'T FULLY ADDRESS. I THINK YOU ALL NEED TO UNDERSTAND, THAT \$15,000 TO ACTV WOULD JUST BE A PASS THROUGH. WHETHER IT GOES THROUGH KTMP OR WHETHER IT GOES THROUGH ACTV, IT ENDS UP THAT LEWIS MEYERS WILL -- AND THE OTHER FOLKS THAT ARE LEFT AT AMN WILL GET THAT MONEY AND THEY'LL USE IT FOR THE FINAL OPERATIONS THROUGHOUT THE END OF SEPTEMBER. SO IT DOESN'T MAKE ANY SENSE TO PUT IT THROUGH ACTV WHERE THERE MAY BE SOME MURKY LEGAL QUESTIONS WHEREAS IF YOU GIVE IT TO KTMP IT'S PRETTY CLEAR-CUT WHAT'S GOING TO HAPPEN. A CHECK WILL GO TO KTMP, THEY WILL -- LEWIS WILL BE THE ONES THAT ACTUALLY GETS THAT CHECK BECAUSE -- AND I DON'T THINK THERE ARE ANY ISSUES WITH REGARDS TO HOW THAT MONEY IS SPENT, BUT I DO THINK THAT THERE ARE SOME QUESTIONS ABOUT WHETHER OR NOT ACTV CAN BE THEN GIVING MONEY TO THIS OTHER STATION AND THIS OTHER THING THAT'S NOT EVEN TECHNICALLY A PEGGED CHANNEL, BUT A HYBRID PEGGED CHANNEL. SO WOULD ACTV -- IT'S PERHAPS ONE THAT'S PROGRAMMING THE WAY THAT'S WITHIN THE CONFINES OF ACTV'S RULES. THAT'S ONE POINT. I SUGGEST THAT AMENDMENT BE ADOPTED. THE SECOND POINT IS JUST SO YOU UNDERSTAND SOMETHING ABOUT THE AMENDMENT THAT PRESIDENT GOODMAN SET IN A WAY THAT PRESERVES THE ACTV FREE SPEECH RULES, AND THIS IS FOR AUSTIN IN GENERAL AS WE MOVE FORWARD WITH THIS DISCUSSION ON AMN AND ACTV. THE RULES AT ACTV SAY THAT IT'S MANAGED UNDER A FIRST COME, FIRST SERVE, CONTENT NEUTRAL POLICY AND PROGRAM, WHICH IS EQUAL FOR ALL

USERS OF THE SERVICE. AND IT ALSO SAYS THAT -- ETCETERA, ETCETERA. THEREFORE IT IS THE PRODUCER, NOT THE CITY OF AUSTIN, ITS OFFICIALS OR THE MANAGERS OF PUBLIC ACCESS RESOURCES WHO ARE RESPONSIBLE FOR THAT CONTENT. SO YOU CANNOT LEGISLATE CONTENT ON ACTV. THE SOLUTION FOR THIS NEEDS TO BE AT A PRODUCER-PRODUCER LEVEL. AMN PRODUCERS NEED TO SAY OKAY, GREAT, I'M GOING TO BECOME A PRODUCER AT ACTV AND I'M GOING TO MOVE OVER THERE AND I'M GOING TO DEVELOP MY SHOWS AND I'M GOING TO PUT IN REQUESTS TO PUT PROGRAMS ON THE AIR. YOU CAN'T JUST SAY -- YOU CAN'T DICTATE WITH A BLOCK OF PROGRAMMING COMES OVER ON TO THAT CHANNEL. [BUZZER SOUNDS] IT HAS TO BE AT THAT PRODUCER-PRODUCER LEVEL, NOT AT THE (INDISCERNIBLE) LEVEL. SO I URGE YOU TO SUPPORT MAYOR GOODMAN'S AMENDMENTS TODAY. THAT'S SPECIFICALLY WHAT WE'RE TALKING ABOUT. THANK YOU.

Mayor Wynn: THANK YOU, MR. RAY. PAM THOMPSON, WHO WILL BE FOLLOWED BY MARIE (INDISCERNIBLE).

HI. AND THANKS FOR TAKING YOUR TIME TO DO THIS. WE -- AS PRODUCERS AT ACTV, AND WE'RE GLAD THAT IT'S CALLED ACTV AGAIN AND NOT ACAC -- REALLY ARE THANKFUL THAT WE HAVE THOSE STATIONS. AND WE SEE THAT AS A GREAT GIFT TO THE CITIZENS OF AUSTIN THAT WE'D LIKE FOR YOU TO PROTECT SO THAT WE CAN 10 TO ENJOY THAT. IF YOU COMPLICATE THINGS AT THIS POINT BY CHANGING IT JUST BECAUSE IT'S THE END OF THE NETWORK OR THE END OF THE NETWORK ON THAT STATION, IT JUST DOESN'T MAKE ANY SENSE TO US. WE'RE WORRIED FOR ANY NUMBER OF REASONS. THE STATUS OF CHANNEL 15 NEEDS TO BE VERY CLEAR. THAT STATUS WAS VOTED FOR OUR AUSTIN MUSIC NETWORK, AND THAT STATUS SEEMS TO GO WITH THE MUSICIANS AND THE PEOPLE THAT HAVE BEEN WORKING THERE. SO IF THEY COME UNDER ACTV, WE CANNOT DO THAT BECAUSE THAT'S NOT WHAT WE ARE. WE ARE NOT SET UP TO BE COMMERCIAL THERE. AND NONE OF US WANT THAT BECAUSE THERE ARE ALL SORTS OF REASONS WHY THAT WOULD INTERFERE WITH THE IDEALS OF HAVING A SHOW THERE FOR FREE SPEECH. AND I GUESS I COULD GET INTO THAT, BUT IT WOULD TAKE AWHILE TO EXPLAIN IT, BUT I'M SURE THAT A LOT OF YOU UNDERSTAND

THOSE THINGS. WHAT WE WANT IS TO PRESERVE ACTV, AND NOW THAT WE'RE PRESENTED WITH THIS PROBLEM OF THE AUSTIN MUSIC NETWORK, WE'RE WORRIED THAT WHAT WAS VOTED SPECIFICALLY FOR THE AUSTIN MUSIC STATION, WHATEVER IT WOULD BE CALLED, WAS FOR THAT STATION. IT DOESN'T MATTER IF IT'S ON 15 OR WHERE IT IS. THOSE PEOPLE WERE GIVEN SPECIAL STATUS TO TRY TO MAKE A GO OF IT. IF YOU TAKE ALL OF THE PRODUCERS AND PUT THEM AT ACTV AND THEN LEAVE THAT STATION WITH THAT STATUS FOR A COMMERCIAL ENTITY TO TAKE OVER, THE PEOPLE THAT ARE THEN ON THAT STATION HAVE ENJOYED A SPECIAL PRIVILEGE AS FAR AS PROGRAMMING GOES AND THEY'RE NOT -- IT'S NOT GOING TO BE EASY FOR THEM TO ADAPT TO OUR RULES AT ACTV. SO THERE'S GOING TO BE A WHOLE DIFFERENCE IN WHAT HAPPENS. THEY'RE GOING TO HAVE MUCH MORE FREEDOM AT ACTV AND IT'S GOING TO BE MUCH MORE PERSONAL RESPONSIBILITY, WHICH IS WHAT WE'D LIKE TO SEE CONTINUE. SO I'D LIKE FOR YOU TO THINK ABOUT THAT, THAT THAT STATION WAS NEVER MEANT TO BE A COMMERCIAL STATION. THE PRODUCERS HAVE BEEN -- THEY HAVE A DIFFERENT SET OF RULES THAN WE HAVE AT ACTV, AND THAT'S WHAT EVERYBODY IS SAYING IS GOING TO AFFECT FREE SPEECH. SO WE WANT YOU TO JUST THINK ABOUT THESE THINGS VERY CAREFULLY -- [BUZZER SOUNDS]. YEAH, JUST ONE MORE MINUTE.

Mayor Wynn: PLEASE CONCLUDE.

I JUST WANTED TO SAY THAT THE \$15,000 WAS NOT VOTED FOR ACTV, ALTHOUGH WE DO NEED IT. IF YOU'RE GOING TO THINK ABOUT THAT IN THE FUTURE. THE \$15,000 WAS VOTED FOR THE AUSTIN MUSIC NETWORK, AND THE STATUS THAT IT HAS. AND IF YOU CONFUSE THE ISSUE, IT'S JUST GOING TO CAUSE A LOT OF PROBLEMS, SO I THINK JACKIE'S AMENDMENT IS JUST THE WAY TO GO. IF YOU HAVE ANY PROBLEMS WITH THE WAY THAT MONEY IS SPENT, THERE'S ALL SORTS OF PEOPLE THAT YOU COULD GET INVOLVED IN THAT PROCESS, BUT I DON'T THINK THERE'S ANY PROBLEM OR ANY QUESTION BECAUSE THEY WENT OVER A BUDGET AT ACTV LAST WEEK. SO I THINK IF YOU'RE GOING TO ASK ACTV TO TAKE ON MORE RESPONSIBILITY, YOU DO NEED TO GIVE THEM A LARGER BUDGET, BUT THIS ISSUE NEEDS TO BE ADDRESSED. ONE OTHER THING I'D LIKE TO POINT OUT IS

PRODUCERS ON THE AUSTIN MUSIC NETWORK CAN COME TO ACTV NOW, BECOME PRODUCERS, AND START PUTTING THEIR SHOWS ON. OUR NEW SEASON BEGINS OCTOBER 1ST. THE END OF THE AMC PROGRAMMING IS SET FOR SEPTEMBER 30TH. SO YOU SEE THAT'S VERY CLEAR. IN THESE SEVERAL MONTHS THEY COULD BECOME PRODUCERS AND IT'S FIRST COME FIRST SERVE, AND THEIR SHOWS WOULD GO ON. SO I DON'T SEE ANY PROBLEMS WITH THAT.

Mayor Wynn: PLEASE CONCLUDE, MS. THOMPSON.

SO I JUST WANT YOU TO UNDERSTAND THAT YOU CREATE CONFUSION, THEN IT'S NOT GOING TO BE SO EASY TO SORT THINGS. AND SOMEBODY GAVE ME THEIR TIME. DID YOU --

Mayor Wynn: WELL, ON YOUR CARD --

I CAN GIVE HER MY TIME.

Mayor Wynn: OKAY THEN. YOU HAVE ANOTHER MINUTE AND 50 SECONDS.

SO WHAT WE WANT YOU TO DO IS TO THINK VERY, VERY CAREFULLY ABOUT THE STATUS OF CHANNEL 15 AND SEPARATING IT FROM THE PEOPLE THAT ARE THE AUSTIN MUSIC NETWORK. BECAUSE WHEN YOU VOTED THIS STATUS, WE DIDN'T REALLY KNOW WHAT CHANNEL IT WOULD BE ON, I DON'T THINK. I DON'T THINK THAT STATUS WENT TO CHANNEL 15. IT WENT TO THE AUSTIN MUSIC NETWORK. AND SO JUST BECAUSE SOMEBODY COMES WITH A NAME THAT'S SOMEWHAT SIMILAR AND IT'S A BUNCH OF BUSINESSES TO TAKE ONE OF OUR LOWER STATIONS, I THINK YOU REALLY OUGHT TO CONSIDER WHAT YOU'RE DOING THERE. I DON'T THINK THEY EVEN HAD ANY STANDING, AND WE DON'T EVEN WANT YOU TO GO INTO NEGOTIATIONS WITH YOUR LAWYERS, WITH PEOPLE WHO ARE NOT PART HAVE THE PRODUCER NETWORK. I MEAN SOME OF THESE PEOPLE ARE FROM BOX, SOME OF THEM PEOPLE ARE FROM TIME WARNER. THE PEOPLE WHO FORMED THE AUSTIN MUSIC PARTNERSHIP, AND WE THINK THEY SHOULD BE ABLE TO GO AND DO WHAT THEY WANT TO DO AND JUST -- WE ARE ALL FOR AUSTIN MUSIC TO GO FORWARD AND GO OUT THERE.

WE JUST DON'T THINK THAT YOU HAVE THE RIGHT TO VOTE AWAY ONE OF OUR STATIONS TO THEM. SO I THINK THAT CONFUSING THE ISSUE NOW IS TRYING TO SEPARATE THE PRODUCERS -- [BUZZER SOUNDS] -- FROM THEIR CHANNEL SO THAT YOU CAN GO FORWARD WITH THIS BUSINESS PROPOSITION. BUT I DON'T THINK IT'S -- I DON'T THINK IT'S RIGHT.

Mayor Wynn: THANK YOU, MS. THOMPSON AND THANK YOU FOR DEVOTING YOUR TIME. COUNCIL, THAT'S ALL THE SPEAKERS SIGNED UP FOR ITEM NUMBER 32. FURTHER COMMENTS OR QUESTIONS? COUNCILMEMBER SLUSHER.

Slusher: I WOULD LIKE TO HEAR A SHORT SUMMARY OF WHAT THE MUSIC COMMISSION RECOMMENDED ON THIS FROM THEIR PERSON.

HI, I'M THERESA FERGUSON, CHAIR OF THE AUSTIN MUSIC COMMISSION. AND I CAME IN LATE AFTER THE READING OF THE REVISION, SO COULD I ASK FOR THAT AGAIN?

Slusher: I WAS GOING TO ASK FOR THAT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: WELL, WHAT I HAD OFFERED WAS ONE -- AND I SUPPOSE ACTUALLY BOTH OF THESE COULD FIT. I WAS GOING TO SUGGEST THAT IN ORDER NOT TO -- TO MAKE SURE THAT WE WEREN'T COMPROMISING ACAC THAT WE JUST TRANSFER THE REMAINING FUND UNDER THE CONTRACT TO KTMP. THERE WAS ANOTHER SUGGESTION THAT ACCOMPLISHES I THINK THE SAFEGUARD OF ACTV, WHICH WAS STEPHEN'S, WHICH WAS ADDITIONAL LANGUAGE THAT SAYS, IN ACCORDANCE WITH ACTV'S FREE SPEECH PROVISIONS. SO I THINK EITHER OF THOSE WORKS. I THINK BOTH OF THEM ARE SLIGHTLY WITHIN IT, BUT SAFETY LIES IN REDUNDANCY SOMETIMES. SO I'M OFFERING BOTH OF THEM.

OKAY. AT OUR MEETING ON MONDAY WE HAD MANY OF THE ACTV PRODUCERS COME AND TALK TO US, AND THAT IS WHEN WE MADE OUR PROPOSAL TO YOU TO -- NOT TO TRANSFER THE REMAINING FUNDS TO ACTV, BUT JUST TO CONTINUE FOR THESE TWO MONTHS WITH THE KENNETH

THREADGILL MUSIC PROJECT. I UNDERSTAND THAT AFTER THAT MEETING ON TUESDAY MORNING THE ACTV BOARD MET AND THEY CLEARLY MAPPED OUT WHAT THEY WOULD DO IF THE MONEY DID COME TO THEM THROUGH THEM, WHAT THEY WOULD DO IN THESE TWO MONTHS' TIME PERIOD. AND AS I SEE IT HERE, I THINK IF WE HAD THIS INFORMATION ON MONDAY, MAYBE WE WOULDN'T HAVE SAID TO TRANSFER TO KENNETH THREADGILL MUSIC PROJECT, BUT REGARDLESS, SO I THINK THAT WHAT I WOULD LIKE TO SAY IS THAT WE ONLY TALKED ABOUT THE NEXT TWO MONTHS. WHEN WE'RE TALKING ABOUT AUSTIN MUSIC PARTNERS, WE FORWARDED YOU A LIST OF OUR QUESTIONS. WE STILL HAVE ALL KINDS OF QUESTIONS ABOUT THAT AND ABOUT THE DISTRIBUTION AGREEMENT WITH TIME WARNER CABLE AND ALL KINDS OF THINGS. SO THAT SAID, WE'RE NOT TALKING ABOUT AMP OR CHANNEL 15. WE'RE JUST TALKING ABOUT THE NEXT TWO MONTHS. IF YOU CHANGE THE LANGUAGE OF YOUR ITEM HERE AND JUST REMOVED THE PART ABOUT TO ASSIST IN TRANSITIONING EXISTING AMN PROGRAMMING HOURS FROM CHANNEL 15 TO ACCESS CHANNELS MANAGED AND OPERATED BY ACAC, IF YOU REMOVE THAT SECTION, THEN I THINK OUR MUSIC COMMISSION WOULD BE FINE WITH THAT. OR IF YOU JUST SAID WE WOULD ADVANCE THE MONEY TO THE KENNETH THREADGILL MUSIC PROJECT, WE WOULD BE FINE WITH THAT TOO. DOES THAT MAKE SENSE? BUT AS LONG AS WE DON'T SAY THAT WITH THIS TEMPORARY TRANSFER OR WITH THIS TRANSFER WE ARE INFRINGING ON THE PROGRAMMING OF ACTV AT THIS TIME BECAUSE I THINK THERE'S MORE WORK THAT NEEDS TO BE DONE.

Dunkerley: MAYOR.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: THERE ARE SEVERAL THINGS GOING ON IN THIS RESOLUTION. THE FIRST ONE IS TO TRY TO ASSURE THAT WE HAVE AN OPERATION THROUGH SEPTEMBER THE 30TH. AND I REALLY APPRECIATE THE OFFER FROM ACTV TO PROVIDE THEIR ADMINISTRATIVE SKILLS, BUDGETING SKILLS AND ADMINISTRATIVE SUPPORT TO HELP FACILITATE THAT THROUGH US TRANSFERRING SOME MONEY AND PAYING THE STAFF AND MAKING SURE THAT THAT MONEY WILL LAST

THROUGH THE END OF SEPTEMBER. SO VERY SUPPORTIVE OF THAT. THE SECOND PART REALLY WAS TO AGAIN ADDRESS ANOTHER ISSUE ABOUT HOW ACTV, THE CITY AND THE MUSIC FOLKS AT AMN COULD AT LEAST START A DIALOGUE ABOUT HOW WE COULD COME TO THE TABLE AND BEGIN TO WORK THROUGH THESE ISSUES. IT'S NOT DIRECTING ANYBODY TO DO ANYTHING EXCEPT FOR US TO SIT DOWN WITH ALL OF THE PARTIES AND TRY TO WORK SOMETHING OUT. THE THIRD ELEMENT OF THIS RESOLUTION WAS TO -- FOR THE STAFF TO HAVE SOME KIND OF BACKUP PLAN TO KEEP MUSIC ON CHANNEL 15 WHILE ALL OF THESE THINGS ARE GOING ON. AND I THINK THAT'S WHAT THE RESOLUTION AS ON THE AGENDA AND AS REFLECTED IN THE CHANGES AND CORRECTIONS IS REALLY ABOUT. NOW, IN THE TELECOMMUNICATION MEETING WE ALSO WANTED THE STAFF TO AT LEAST SIT DOWN WITH THE AUSTIN MUSIC PARTNERS SO THAT WE COULD BEGIN TO SEE WHAT THEIR PROPOSAL ACTUALLY IS. AND ONE OF THE REASONS THAT EVERYBODY IS SO FRUSTRATED IS THAT AT LEAST AT THIS DATE WE'VE NOT BEEN ABLE TO DIRECT THE STAFF IN A CLEAR ENOUGH FASHION TO GO BACK AND GET THIS TOGETHER FOR US SO THAT EVERYBODY CAN LOOK AT IT, WHETHER IT'S THE MUSIC COMMISSION, THE COUNCIL, THE STAFF. AND SO THAT WAS ANOTHER ELEMENT OF THAT IS JUST GO GET THESE THINGS DOWN IN WRITING, ARTICULATE FOR US THE BARRIERS THAT WE WOULD HAVE TO DOING WHATEVER IT IS -- THESE DIFFERENT RECOMMENDATIONS CONTAIN. SO I THINK THE FRUSTRATION IS WE HAVEN'T GONE FORWARD, AND THE INTENT HERE IS TO JUST FIX IT TO SEPTEMBER THE 30TH, AND WE THINK THE WAY ACTV HAS VOLUNTEERED TO HELP US WILL GIVE US THE GREATEST ASSURANCE THAT THAT PROGRAM WILL CONTINUE UNTIL THAT TIME. MOVE FORWARD WITH WHAT WE'RE GOING TO DO IN THE FUTURE IN A COLLABORATIVE WAY WITH ACTV, IF ANYTHING, AND THEN GET THE STAFF TO CLARIFY WHAT THIS OTHER PROPOSAL IS, WHAT IT WOULD MEAN FOR US LEGALLY AND THROUGH OUR FRANCHISES SO THAT WE CAN MAKE A DECISION. SO I THINK THERE IS A DEARTH OF INFORMATION AND THAT'S WHAT'S CAUSING A LOT OF THE ANGST.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Alvarez: MAYOR. ACTUALLY, IF -- I THINK MS. FERGUSON REFERENCED AN ACTION TAKEN BY THE ACAC BOARD, SO I DON'T KNOW IF A REPRESENTATIVE CAN COME UP AND REMIND US AGAIN WHAT THAT ACTION WAS. ASSUMING WE'RE GOING TO CONTINUE THESE DISCUSSIONS ABOUT THE OPERATIONS OF ALL THESE VARIOUS CHANNELS.

I'M JOHN LOREAL, DIRECTOR OF ACAC OR ACTV. I DIDN'T HEAR YOUR QUESTION.

MS. FERGUSON MENTIONED THAT THE BOARD TOOK ACTION A DAY AFTER THE MUSIC COMMISSION HAD THEIR MEETING THAT DEALT WITH THIS SITUATION, SO I DON'T KNOW IF YOU CAN SUMMARIZE THAT FOR US.

BASICALLY THE BOARD WAS AWARE OF THIS AMENDMENT AFTER THE DELLLY COMMUNICATION INFRASTRUCTURE MEETING, AND WITH THE HELP OF OUR COMMITTEE MEMBERS, WE CAME UP WITH A BUDGET THAT WOULD RUN US THROUGH SEPTEMBER 30TH. WE DISCUSSED THE BUDGET AND THE OPERATIONS TO ENSURE THAT THAT BUDGET WOULD BE MET WITH THE CURRENT FUNDING AND THE FUNDING ANTICIPATED UNTIL THE END OF THE CONTRACT. AND AFTER DISCUSSION, WE WERE JUST ASSURED THAT THE OPERATIONS WOULD BE ABLE TO CONTINUE GIVEN THE BUDGET AND THE OPERATIONS PRESENTED AT THAT MEETING. THAT WAS BASICALLY OUR PARTICIPATION IN THAT EVENT, TRYING TO RESPOND TO THIS. BUT WE DID -- AS WE STATED, DR. BOW WERZ STATED, WE DID ANTICIPATE -- WE DID NOT ANTICIPATE ANY INTERPRETATION IN THE CHANNELS THAT THEY'RE OPERATING NOW BECAUSE LEWIS MEYERS HAS A PROGRAMMING SCHEDULE THAT WILL TAKE US UP TO SEPTEMBER 30TH ON CHANNEL 15 AS IT IS NOW. >>

Alvarez: THANK YOU.

AND WE DID UNTIL SEPTEMBER 30TH. WE'RE NOT LOOKING AT THE OTHER ISSUES CONSIDERING ALL THE TELECOMMUNITY AND MUSIC AND ARTS COMMUNITY REGARDING WHAT MIGHT HAPPEN ON OCTOBER 1ST. THAT'S A SEPARATE ISSUE.

Alvarez: AND THEN -- MAYBE THIS IS MORE FOR THE BOARD, BUT AGAIN, WITH THE CHANGES ON THE RESOLUTION THAT'S ON ME, WHAT WE'RE DISCUSSING RIGHT NOW, WHERE THE MONEY WILL GO TO KTMP VERSUS ACAC OR ACTV THEN, I MEAN, DO YOU THINK THAT CHANGES THE INTEREST OR THE POSITION OF THE BOARD IN TERMS OF THEIR INVOLVEMENT IN THIS PARTNERSHIP OR COLLABORATION?

NO, I DON'T THINK IT CHANGES THE INTEREST AT ALL. THE OPERATIONAL PART OF IT, I GUESS IF YOU'RE GIVING THAT MONEY TO KTMP, A LOT OF THAT WOULD FALL TO ENSURE THAT THE BUDGET THAT LEWIS PROPOSED AND THE OPERATIONS WITH PAUL DIRECTLY UNDER THEM, BUT THAT WOULD NOT PREVENT THIS OR -- WE WOULD STILL BE WILLING TO PARTICIPATING IN SOME KIND OF TRANSITION.

OKAY. AND THEN --

Alvarez: FINALLY, IN THE INTEREST OF MOVING US FORWARD, IS THAT SINCE THE BOARD TOOK THAT ACTION, IT SPELLS OUT THIS IS HOW THESE RESOURCES COULD BE APPLIED TO ENSURE THAT PROGRAMMING CONTINUES ON CHANNEL 15, THEN THE MONEY GOES TO KTMP INSTEAD, AS HAS BEEN PUT ON THE TABLE HERE, THEN CAN WE GET A COMMITMENT FROM MR. MEYERS TO USE THE FUNDS IN A MANNER THAT'S CONSISTENT WITH THAT RESOLUTION THAT THE BOARD PASSES? I'M ASKING MR. MEYERS.

I'LL LET HIM ANSWER THAT. MY STATEMENT ON THAT WOULD BE YES. THE ONLY THING THAT WE DISCUSSED WAS HOW TO MAKE THE CURRENT CHANNEL 15 OPERATE AND EXIST UNTIL SEPTEMBER 30TH. AND THE ONLY THING THAT HE PRESENTED TO US FELL IN LINE WITH THAT, BUT I'LL LET HIM ANSWER THAT QUESTION.

Alvarez: PLEASE.

TO ANSWER YOUR QUESTION, THE BUDGET WOULD BE NO DIFFERENT WHETHER IT WENT TO KTMP OR THROUGH ACTV. THERE'S NO MONEY BEING DEDUCTED BY ACTV FOR OPERATION SERVICES.

Alvarez: I WANTED TO GET THAT ON THE RECORD. THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER SLUSHER.

Slusher: THIS WILL GET US -- THIS IS ASSURED OR WE THINK THIS IS GOING TO GET AMN THROUGH SEPTEMBER 30TH. I MEAN -- BECAUSE WE ARE RELEASING A PAYMENT EARLY. I GUESS I SHOULD ASK, WHAT HAPPENS IF IT DOESN'T? MAYBE THE TELECOM -- MEMBERS OF THAT COMMITTEE CAN TELL US THAT?

Mayor Wynn: MAYOR PRO TEM.

Goodman: I DON'T KNOW IF I CAN TELL YOU OR NOT. THE PROPOSAL MAY BE THAT RELATIVE TO THE LANGUAGE WE'VE GOT HERE, UNTIL AND UNLESS THE CONTRACT IS NEGOTIATED AND EXECUTED REGARDING MANAGEMENT AND OPERATION, THE CITY MANAGER ACTUALLY PROPOSED SOME BACKUP FROM CHANNEL 6, I BELIEVE, THAT WOULD CONTINUE, KEEPING THE CHANNEL SAFE.

Slusher: AND THE MANAGER WOULD HAVE THAT AUTHORITY WITH THIS RESOLUTION? THIS WOULDN'T HINDER THAT IN ANY WAY?

Goodman: NOT THAT I KNOW OF. I WASN'T AWARE THAT WE NEEDED TO HAVE IT IN THIS RESOLUTION BECAUSE IT GETS REALLY CONFUSING WHEN YOU ADD THAT ONE, BUT IF WE DO, I'LL DEFER TO MS. FUTRELL.

Futrell: THE WAY THE ORIGINAL LANGUAGE, AND YOU'VE MADE SOME ADJUSTMENTS ON THE DAIS. I TOOK THAT TO MEAN YOU TALKED ABOUT TRANSFERRING THE MONEY SO THAT THINGS CAN CONTINUE, AND THEN FOR US TO PLAN ON HOW WE MOVED FORWARD. SO I TOOK THAT AS GIVING US THE ABILITY TO DO WHATEVER IT TOOK TO TAKE THE REST OF THE STEPS WORKING THROUGH THE TELECOMMUNICATIONS SUBCOMMITTEE TO KEEP EVERYTHING LEVEL. SO WHAT WE WOULD DO IF THE CONTRACT EXPIRES IF WE DIDN'T HAVE EVERYTHING ELSE IN PLACE IS WE HAVE A BACKUP PLAN THAT WE COULD DO

ADMINISTRATIVELY WITHIN OUR BUDGET THAT WOULD KEEP THE CHANNEL SAFE WHILE WE FINISHED NEGOTIATIONS AND BROUGHT AN ACTION TO THE FULL ACTION.

Slusher: AND SHE HAS THAT AUTHORITY WITH OR WITHOUT THIS RESOLUTION? >>

FUTRELL: I WOULD DO IT WITHIN THE EXISTING CHANNEL 66 BUDGET. IT'S A VERY SIMPLE PLAN. IT'S NOT MEANT TO BE A LONG-TERM PLAN. IT'S A STOPGAP.

Slusher: OKAY.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I GUESS I JUST NEED SOME CLARIFICATION. THE PROPOSAL BEFORE US IS THEN TO SEND THE REMAINDER OF THE CONTRACT BALANCE TO ACTV OR TO CONTINUE PAYING -- >>

GOODMAN: IT DEPENDS ON THE AMENDMENT. THE LANGUAGE BEFORE US IS ACTV. AND WE'VE HAD REASSURANCES THAT IT REALLY DOESN'T MATTER. WHAT I WANT TO MAKE SURE, THOUGH, IS THAT WE DON'T IN ANY WAY ACCIDENTALLY COMPROMISE ACCESS CHANNELS' INTEGRITY BECAUSE OF THE PROVISIONS AND FRANCHISE THEM, NOT JUST FOR AUSTIN, BUT ANY WHERE, BUT ACCESS CHANNELS ENJOY ARE SLIGHTLY DIFFERENT FROM AMN, THAT CHANNEL, THAT CHARGE, AND THAT CONTENT ISSUE.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS? SO I THINK AT THIS TIME WE NEED TO AT LEAST ENTERTAIN A MOTION ON ITEM 32. AND WE CAN TALK ABOUT POTENTIAL AMENDMENTS.

Goodman: MY MOTION IS ALMOST WHAT YOU SEE BEFORE YOU ON THE YELLOW SHEET, EXCEPT THAT -- WELL, I'LL JUST READ IT. DIRECT THE CITY MANAGER TO, ONE, TRANSFER REMAINING FUNDS UNDER THE CONTRACT WITH THE KENNETH THREADGILL MUSIC PROJECT TO KTMP. AND I'D INTERJECT BECAUSE OF NOT BEING SO CLEAR, FOR STAFF, CITY STAFF, TO ASSIST -- I GUESS THAT SHOULD CHANGE A LITTLE TOO. SO INSTEAD OF IN TRANSITIONING

EXISTING AMN PROGRAM HOURS, I WOULD SAY TO WORK -- FOR CITY STAFF TO WORK -- NO, NO. I DON'T KNOW WHAT TO SAY THERE. PARTICIPATE IN ANALYZING ANY TRANSITIONAL OPTIONS FOR TRANSFER OR FOR TRANSITION -- OH, GOD. CAN WE PUT THIS ON A HOLD FOR A MINUTE AND LET ME TRY TO WRITE SOMETHING I CAN READ?

Mayor Wynn: SURE.

Slusher: MAYOR, I HAVE MY ITEM 31 WRITING ON THAT NOW COMPLETE AND PASSED OUT.

Mayor Wynn: COUNCIL, WITHOUT ACTION, WE'LL -- WITHOUT OBJECTION, WE'LL TABLE NUMBER 32 FOR PERHAPS SOME DRAFTING OF PROPOSED AMENDMENTS AND WE'LL TAKE UP ITEM NUMBER 31 AS AMENDED BY COUNCILMEMBER SLUSHER.

Slusher: ALL RIGHT. YOU SHOULD HAVE IT BEFORE YOU. AND THERE IS FOUR, WHEREAS THERE'S A "THE" DELETED. AND BE IT RESOLVED IN HONOR OF THE CITIZEN'S VICTORY ON AUGUST 8TH, 1992, THAT WOULD BE THE S.O.S. ELECTION THAT IS MENTIONED IN THE WHEREAS. THE CITY MANAGER IS DIRECTED TO WAIVE BARTON SPRINGS ADMISSION FEES FOR AUGUST 8TH, 2004, AND AUGUST 8TH, 2004 IS DECLARED BARTON SPRINGS AND EDWARD'S AQUIFER DAY IN AUSTIN. I'D MOVE APPROVAL.

Mayor Wynn: AMENDED MOTION MADE OF APPROVAL OF ITEM 31 BY COUNCILMEMBER SLUSHER.

Thomas: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? ITEM NUMBER 31 PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU. SO COUNCIL, AGAIN, OUR ONLY REMAINING DISCUSSION ITEM IS THIS ITEM NUMBER 32 REGARDING THE AUSTIN MUSIC NETWORK. WE'LL PAUSE

FOR A MINUTE OR TWO WHILE SOME DRAFTING OCCURS. AGAIN, FURTHER COMMENTS OR QUESTIONS ON ITEM NUMBER 32? MAYOR PRO TEM GOODMAN.

Goodman: I'D ASK COUNCIL IF THEY COULD GIVE US A LITTLE TIME TO WRITE THIS, SO TO TABLE THE MOTION -- WAIT, I DIDN'T EVEN GET TO THE MOTION. TO TABLE THE ITEM FOR ABOUT 10 MINUTES.

Mayor Wynn: SO COUNCIL, WITHOUT OBJECTION, WE WILL TABLE ITEM NUMBER 32, WHICH IS THE LAST REMAINING DISCUSSION ITEM WE HAVE BEFORE OUR 12:00 O'CLOCK GENERAL CITIZEN COMMUNICATION. FRANKLY, 10 MINUTES REALLY ISN'T ENOUGH TIME FOR US TO GO INTO EXECUTIVE SESSION AND TAKE UP AN ITEM, SO AT THIS TIME WITHOUT OBJECTION, WE'LL RECESS THIS MEETING OF THE AUSTIN COUNCIL, WE'LL RECONVENE IN 10 MINUTES AT 12 NOON TO TAKE UP GENERAL CITIZEN COMMUNICATION. LUKELY THEN BE ABLE TO TAKE UP ITEM NUMBER 32 AT APPROXIMATELY 12:30. WE ARE NOW IN RECESS. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'LL NOW TAKE UP OUR GENERAL OAK NOON GENERAL CITIZEN COMMUNICATION AND GIVE FOLKS A FEW MINUTES TO WALK BACK IN FROM THE FOYERIER. AGAIN, THIS WILL JUST BE THE GENERAL CITIZENS COMMUNICATION, THE 12 NOONTIME CERTAIN. OUR FIRST SPEAKER TODAY IS MARNIE REEDER. SHE HAS SIGNED UP REGARDING ANIMAL ISSUES FOR THE CITIZEN'S COMMUNICATION. MARNIE REEDER. THE NEXT SPEAKER IS JOE ANNE MULLEN. JO ANNE MULLEN. PERHAPS IF SOMEBODY COULD STICK THEIR HEAD OUT IN THE FOYER... JOE ANNE MULLEN. NEXT SPEAKER, MICHELLE BYNUM. OUR FIRST SPEAKER WILL BE MARNIE REEDER. IS SHE HERE? WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JOE ANNE MULLEN.

GOOD AFTERNOON. I'M MARNIE REEDER. EXACTLY TWO YEARS AGO THIS WEEK I STOOD BEFORE YOU AND SPOKE ON THE SUBJECT OF ANIMAL CRUELTY INVESTIGATIONS. UNFORTUNATELY TODAY I CAN PRACTICALLY REPEAT THE SAME WORDS. SEVERAL OF US, INCLUDING MS.

MCCOLLOUGH, WHO IS SPEAKING LATER, SPOKE WITH THE INVESTIGATOR AND HIS BOSS. THIS IS TWO YEARS AGO. WE WERE LOOKING FORWARD TO COOPERATION AND COMMUNICATION WITH THE TLOC AND THE ANIMAL COMMUNITY, WHICH THEY ARE AN INCREDIBLE SOURCE OF INFORMATION ON THIS SUBJECT. AUSTIN IS EMPLOYING A POLICE OFFICER AS AN AN ANIMAL CRUELTY INVESTIGATOR, NOT A USUAL USE OF POLICE INVESTIGATION AND SKILLS. MUCH OF THE WORK SHOULD BE EDUCATING AND HELPING PEOPLE WHO MAY JUST BE IGNORANT AND HAVE -- EITHER HAVE FINANCIAL PROBLEMS. ACCRUALTY INVESTIGATOR DOES NOT NEED EXTENSIVE TRAINING AND KNOWLEDGE OF ANIMALS -- I'M SORRY, ACCRUALTY INVESTIGATOR NEEDS EXTENSIVE TRAINING AND KNOWLEDGE OF ANIMALS AND A GENUINE CONCERN FOR THEM. ANIMAL CRUELTY INVESTIGATIONS ARE SO IMPORTANT BECAUSE OF THE WELL DOCUMENTED LENGTH BETWEEN CRUELTY TO ANIMALS AND DOMESTIC VIOLENCE. JEFFREY DAHMER STARTED OUT TORTURING ANIMALS. SOMETIMES THEY WILL MOVE UP TO HUMANS, STARTING WITH CHILDREN. FROM OTHER HUMANS YOU WILL HEAR DETAILS ABOUT OTHER RECENTLY PUBLICIZED CASES. I WILL TOUCH ON A FEW. KITTENS ARE STILL BEING DROPPED FROM THE I-35 OVERPASS. I SPOKE ABOUT THAT TWO YEARS AGO. STILL NO PROGRESS. ANIMAL TRUSTEES OF AUSTIN AND THE HUMANE SOCIETY OF THE UNITED STATES HAVE OFFERED REWARDS FOR INFORMATION. IT DOESN'T HELP THAT TLAC SENDS A MESSAGE THAT CATS DON'T MATTER BY DEVALUING CATS AT A THREE FOR ONE CAT SALE IN JUNE. WHY SHOULD THE POLICE WHO ARE OVERWORKED AND HAVE SO MANY PROBLEMS, WORK ON A 20-DOLLAR ITEM. FOREST WAS THE LITTLE DOG SPOKEN ABOUT AND PUBLICIZED THAT WAS PUT IN A PLASTIC BAG AND BEATEN. THERE IS A DAUCHSUND PUPPY THAT WAS PUBLICIZED LAST WEEK THAT -- CRUELTY CASE, CENTRAL TEXAS' DAUCHSUND RESCUE HAS HAD TO TAKE THIS ON TOTALLY BYPASSING THE CRUELTY INVESTIGATOR. ALSO DOG FIGHTING AND COCK FIGHTING CONTINUE TO FLOURISH IN OUR TOWN. WE NEED BUT ARE NOT GETTING COMMUNICATION, COOPERATION BETWEEN THE ANIMAL COMMUNITY, VETERINARIANS, THE PRESS AND TLAC. TLAC IS DEALING WITH CRUELTY IN ITS USUAL SECRETIVE MANNER. ALSO WE NEED PUBLICITY. IT GIVES

ATTENTION TO THE ABUSERS WHO HAVE LITTLE FEAR OF GETTING CAUGHT. IT BRINGS PUBLIC AWARENESS AND EDUCATION. TWO YEARS AGO WE PROPOSED THIS TRAINING, COOPERATION, EDUCATION, PUBLICITY, ETCETERA. NOTHING HAS REALLY CHANGED. IT'S NOT WORKING. THE ANIMAL COMMUNITY IS TRYING TO HELP, BUT TOGETHER THINK WHAT WE COULD ALL DO. WHY SHOULD OUT OF STATE ORGANIZATIONS HAVE TO BE COMING TO AUSTIN TO GIVE OUT REWARDS? SHOULDN'T WE BE ABLE TO TAKE CARE OF OUR OWN PROBLEMS AND OUR OWN ANIMALS. THANK YOU. WE NEED TO STOP TREATING CRUELTY LIKE A KIDS' PRANK. >>

MAYOR WYNN: THANK YOU. JOE ANNE MULLEN. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY MICHELLE BYNUM.

OKAY. HERE'S MY SPEECH IN CASE I BLOW IT AND THESE ARE LETTERS THAT I BROUGHT. AND THIS IS NOT ALL OF THEM. AND THERE HAVE BEEN -- A DOG WAS DIED THAT WAS RELEASED BY DETECTIVE LAMB, AND I'M GOING TO LEAVE THAT WITH YOU. AND THERE'S COMMENTS FROM PEOPLE, CITIZENS, SINCE THE LAST TIME I SPOKE HERE. I HOPE THAT DOESN'T COUNT ON MY TIME. HONORABLE MAYOR, MEMBERS OF CITY COUNCIL. I SPOKE TO YOU FIRST A FEW MONTHS AGO ABOUT THE TRAGEDY OF AUSTIN'S FORGOTTEN ANIMALS, THE ABUSED AND NEGLECTED. SINCE THEN I HAVE BEEN CONTACTED BY MANY PEOPLE WHO SHARE MY CONCERNS. THESE ARE CITIZENS DESPERATE FOR A A FORUM TO VENT THEIR FRUSTRATIONS WITH THE POLICE DEPARTMENT AND THE TOWN LAKE ANIMAL CENTER REGARDING INDIFFERENCE TO REPORTS OF ANIMAL CRUELTY. NOW THAT THE 311 NUMBER IS FINALLY ON TLAC'S WEBSITE, EVEN MORE PEOPLE ARE HAVING PROBLEMS WITH OPERATORS, MOST OF WHOM HAVE NO INFORMATION ABOUT ANIMAL CRUELTY. OUT OF SEVERAL HUNDRED LETTERS THAT I BROUGHT, ONLY ONE SAID SOMETHING POSITIVE, BY THE WAY. THE OFFICE OF THE POLICE MONITOR STILL HAS NOT RESPONDED TO COMPLAINTS FILED IN DECEMBER OF LAST YEAR. STAN KNEE ISN'T HELPING. THE PROBLEM IS MUCH WORSE THAN I EVER IMAGINED. WE NEED ONE PHONE NUMBER FOR REPORTING ANIMAL ABUSE AND CRUELTY COMPLAINTS AS A PERSON

WHO TAKES THOSE CALLS SHOULD KNOW THE LAW AND CARE ABOUT ANIMALS. WE COULD ALSO TRACK THEM INSTEAD OF BEING CHARGED \$90 BY MS. (INDISCERNIBLE). I SEE HER REPORT -- I SEE HOUSTON, DALLAS, CEDAR PARK AND OTHER CITIES SMALLER AND LARGER THAN AUSTIN ENFORCING THE SAME LAWS THAT WE CAN'T UPHOLD. WHAT IS THE DIFFERENCE BETWEEN US AND THEM? FOR ONE, THEIR AGENTS LOVE ANIMALS. EVERYONE I TALKED TO IS AN ANIMAL PERSON. THEY TAKE ANIMALS INTO THEIR HOME, THEY FOSTER ANIMALS. THIS IS NOT TRUE OF AUSTIN. DAVID GARCIA FROM THE TEXAS SPCA, WHO BUSTS THE PUPPY MILLS AND PIT BULL RINGS THAT WE IGNORE HAS OFFERED TO TRAIN OUR ANIMAL CONTROL OFFICERS. THIS TRAINING IS FREE EXCEPT FOR HIS ROOM AND BOARD. JAY (INDISCERNIBLE) FROM THE HUMANE SOCIETY HAS ALSO OFFERED FREE TRAINING. EVEN DON FEAR, THE LAWYER I AM WORKING WITH, HAS OFFERED TO TRAIN THE POLICE ON PROPER PROCEDURES FOR FREE, EXCEPT FOR ROOM AND BOARD. TWO YEARS AGO I OFFERED MS. PULL YAM A PROGRAM FOR DEALING WITH THIS PROGRAM ON SITE TO PREVENT THE NATIONAL ATTENTION WE'RE GETTING NOW. OTHERS HAVE OFFERED THEIR HELP, TRAINING, KENNEL STAFF FOR FREE, BUT SHE KEEPS TURNING PEOPLE AWAY SAYING SHE WANTS TO DEVELOP A NEW PROGRAM FOR EVERYTHING SO THAT AUSTIN COULD BE A FLAGSHIP. THAT SHIP SANK A FEW DOZEN TIMES. PLEASE GET UG HELP. CALL THESE PEOPLE YOURSELVES AND GET HELP. HERE ARE THEIR PHONE NUMBERS. TOWN LAKE IS ON OUR ONLY FUNDED FACILITY AND IT SHOULD BE FLOATING. THE PHONE NUMBERS FOR THE ASPCA AND THE HSUS -- THE HSUS DOES NOT DO ANIMAL ENFORCEMENT TRAINING, BUT DAVID GARCIA DOES IT HIMSELF AND WE SHOULD BE DOING IT TOO. THANK YOU.

Mayor Wynn: THANK YOU. MICHELLE BYNUM. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY WALTER CARRINGTON.

GOOD AFTERNOON. ALTHOUGH THERE ARE CATS, SNAKES AND HAMSTERS WHO HAVE BEEN ABUSED, I HAVE BEEN FOLLOWING THE CASES OF DOGS BROUGHT INTO TOWN LAKE BY THE POLICE. USING THE FREEDOM OF INFORMATION ACT, I HAVE REQUESTED SIMPLE

INFORMATION THAT'S PART OF THE COMPUTER RECORDS THE SYSTEM. ALTHOUGH THIS INFORMATION IS EASILY RETRIEVED AND READILY AVAILABLE, TAKING ONLY A FEW MOMENTS TO PRINT OUT, I'M RUNNING AN INCREASING RESISTANCE FROM MS. PULLIAM. FIRST THE CRUELTY CHANGE FROM POLICE TO DESIGNATED AGENTS AND I HAD TO ASK FOR AN EXPLANATION. THEN SHE STARTED CHARGING NOT THE FEW PENNIES OTHER ORGANIZATIONS CHARGE, BUT FOR STAFF TIME, COPIES AND OVERHEAD TOTALING \$90. I AM SUBMITTING TO YOU A SPREADSHEET THAT I HAVE CREATED SUMMARIZING THESE RECORDS FOR YOUR OWN INSPECTION. YOU CAN SEE THE DISCREPANCIES BETWEEN THE NOTES DESCRIBING THE DOG'S CONDITION AND DETECTIVE LAMB'S OPINION. I HAVE PERSONALLY SEEN MANY OF THESE ANIMALS AND I'M SURE YOU WOULD AGREE THAT NO ONE WOULD GIVE THESE CRIPPLED, ABUSED AND NEGLECTED ANIMALS BACK TO THEIR OWNERS WITHOUT PRESSING CHARGES AND INSISTING THEY GO STRAIGHT TO THE HOSPITAL. DETECTIVE LAMB DOESN'T CHOOSE LEGAL ROUTES, INSTEAD HE CONDUCTS MOST OF HIS INVESTIGATIONS ON THE TELEPHONE, TAKING THE WORD OF THE OWNER, AND, I QUOTE, IT WAS ALL A MISUNDERSTANDING. WHEN THE DOG NAMED FOREST WAS CLUBBED AND LEFT FOR DEAD, DETECTIVE LAMB WAITED A MONTH TO TAKE A A STATEMENT FROM THE DOG'S RESCUERS DESPITE REPORTED COVERAGE OF FOREST SUFFERING ON THE NEWS. MOST RECENTLY THE DAUCHSUND WAS LEFT SCREAMING IN AGONY IN THE BACKYARD FOR THREE DAYS AFTER BEING ABUSED. THE NEIGHBORS TOOK IT TO THE VET AND THE RESCUE GROUP WHO NOW HAS HIM DIDN'T EVEN BOTHER TO CONTACT DETECTIVE LAMB BECAUSE, AND I QUOTE, EVERYBODY KNOWS LAMB WOULDN'T DO ANYTHING ABOUT IT. THIS GROUP WENT STRAIGHT TO THE DISTRICT ATTORNEY, WHO AGREED TO TAKE THE CASE. AUSTIN ANIMALS DESERVE BETTER THAN THIS. TOWN LAKE SHOULD BE THE ONE PLACE THAT ANIMALS ARE SAFE FROM FURTHER HARM, YET INSTEAD THEY ARE BEING RETURNED TO THEIR OWNERS, WHO CONTINUE TO ABUSE THEM. I HAVE SPOKEN TO CRUELTY OFFICERS IN OTHER CITIES AND THEY ARE NOT LIKE THIS. THEY ARE PASSIONATE ABOUT THEIR ANIMALS AND DO THEIR JOB BECAUSE THEY REALLY WANT TO HELP.

DETECTIVE LAMB IS NOT A TRAINED PROFESSIONAL ANIMAL OFFICER. THANK YOU.

Mayor Wynn: THANK YOU. WALTER CARRINGTON? WALTER CARRINGTON? MISSY MCCOLLOUGH? WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY LINDA MCNEILAGE.

GOOD AFTERNOON, MY NAME IS MISSY MCCOLLOUGH. I'M THE DIRECTOR OF THE ANIMAL TRUSTEES OF AUSTIN. I COME TO YOU TODAY BECAUSE I'M ABSOLUTELY OUTRAGED WITH WHAT'S HAPPENING TO THESE LITTLE DEFENSELESS KITTENS IN THE CITY. I'M PASSING OUT AND HOPEFULLY YOU ALL HAVE A FLYER. PLEASE TAKE A MOMENT TO LOOK AT THE FACES OF THESE KITTENS. THEY HAVE NO VOICE. THEY ARE TINY AND FRAGILE AND PETRIFIED AND THEY ARE THE LUCKY ONES BECAUSE THEY WERE THE ONES THAT WERE SAVED. THEY ARE BEING THROWN FROM MOVING VEHICLES INTO TRAFFIC ON ALL THE MAJOR HIGHWAYS IN AND AROUND AUSTIN. WE'VE HAD REPORTS OF A WHITE CHEVY PICKUP ON 620 AND 71, A BLACK NAVIGATOR ON 360. A BLACK MAZDA ON 220. A PICKUP IN EAST TRAVIS COUNTY. A WHITE EXPEDITION ON I-35. UNIDENTIFIED CARS ON MOPAC AND 183 AND REPORTS OF DEAD KITTENS ON ALL. IN ALL CASES THE WITNESSES WERE CONCENTRATING ON THE KITTENS AND DID NOT GET A LICENSE NUMBER. THIS IS A HORRIBLE TRAGEDY AND CLEARLY THE FOLLY OF SOME VERY DISTURBED AND DANGEROUS INDIVIDUAL THAT DRIVE ON OUR CITY AND COUNTY STREETS. AND THOUGH THESE WITNESSES CALL ME, I TELL THEM TO CALL THE AUSTIN POLICE DEPARTMENT AND REPORT IT. THE PROBLEM IS THAT MANY OF THEM CALL ME BACK TO TELL ME OF THE BAD EXPERIENCE THEY'VE HAD WITH THE AUSTIN POLICE DEPARTMENT WHEN THEY HAVE CALLED IN. EVERYTHING FROM RUDENESS TO ONE OF THE 311 OPERATORS TELLING US WE HAVE MURDERS GOING ON IN THIS CITY. DEAD CATS ARE HARDLY A PRIORITY. WE AT THE ANIMAL TRUSTEES EXPERIENCE THE SAME ATTITUDE RECENTLY WHEN ONE OF MY STAFF MEMBERS REPORTED AN INCIDENT WHERE A KIT 10 HAD BEEN SAVED BY A WRECKER DRIVER AND BROUGHT IN TO OUR CLINIC. THE OFFICER THAT CAME TO ANSWER OUR CALL WAS RUDE, CONDESCENDING AND INTIMIDATING. BY THE TIME THAT OFFICER LEFT, WE ALL UNDERSTOOD

WHAT THESE WITNESSES WERE TALKING ABOUT. THANK YOU. YOU'VE ALL HEARD THE STATISTICS LINKING ANIMAL ABUSE TO HORRENDOUS CRIMES, SO I WON'T SAY ANYTHING FURTHER ABOUT THAT. I JUST ASK THAT YOU AS THE MANAGERS OF THIS GREAT CITY DO WHAT YOU CAN TO STOP THE ABUSE OF ANIMALS THAT HAPPENS EVERYDAY IN AUSTIN. LOOKING AT THE INNOCENT FACES OF THESE TINY KITTENS, AND PLEASE TAKE MAKE A COMMITMENT TO DO WHATEVER YOU CAN TO STOP THIS. IT'S BEEN GOING ON TOO LONG. WE OWE IT TO THEM TO DO SOMETHING NOW. I THANK YOU. AND I HAVE ONE ASIDE AFTER LISTENING TO JOE ANNE AND MARNIE AND MICHELLE TALK BECAUSE IT JUST OCCURRED TO ME. A YEAR AGO IN OCTOBER A LITTLE DOG WAS BROUGHT IN AND IT WAS SO BADLY NEGLECTED IT WAS STARVING TO DEATH, HAD HIEWRMZ ALL OVER IT, HAD BITTEN OFF ITS TAIL BECAUSE IT HAD AN INFECTION AND THE OWNERS WOULDN'T TAKE IT TO THE VET. I CRIED. WE ALL WE WANT WHEN WHEN WE SAW THIS LITTLE DOG, ABOUT A 13-YEAR-OLD DOG. I WAS ON OUTOUTRAGED MY FIRST THOUGHT WAS I'M GOING TO REPORT THESE PEOPLE TO THE POLICE DEPARTMENT FOR CRUELTY. I WENT HOME, I ACTUALLY TALKED TO THE PEOPLE AND TOLD THEM THAT I WAS GOING TO DO THIS -- [BUZZER SOUNDS]. I WENT HOME AND THOUGHT ABOUT IT AND I DID NOT CALL THE AUSTIN POLICE DEPARTMENT OR REPORT IT TO DETECTIVE LAMB BECAUSE I WAS AFRAID HE WOULD GIVE IT BACK TO THESE PEOPLE. I'VE BEEN WORKING IN AUSTIN FOR A LONG TIME WITH ANIMALS AND FOR ME TO FEEL THAT WAY IS PRETTY SAD. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. I'LL SAY OBVIOUSLY THESE ARE VERY TROUBLING STORIES AND PHOTOS AND EXAMPLES. THIS TIME OF YEAR, JULY AND AUGUST, IS WHEN WE AS A COUNCIL THROUGH THE CITY MANAGER REVIEW REALLY THE ENTIRE OPERATIONS OF THE CITY, VIS-A-VIS THE CITY MANAGER'S PROPOSED BUDGET. SO I SUSPECT THAT THIS YEAR , PERHAPS MORE THAN THE LAST COUPLE, THERE WILL BE DISPROPORTIONATE ATTENTION PAID TO THESE ANIMAL ISSUES AND WE'LL TRY TO GET TO A MORE SATISFACTORY SET OF CIRCUMSTANCES. COUNCILMEMBER MCCRACKEN.

McCracken: I DIDN'T KNOW IF THERE WAS ANYONE IN HERE

WITH STAFF WHO MIGHT BE ABLE TO GIVE US SOME INSIGHT ON WHETHER THE CITY HAS ABILITY TO TRACK WHETHER SOMEONE IS, FOR INSTANCE, ADOPTING A LOT OF KITTENS. BECAUSE IT JUST STANDS TO REASON THAT IF SOMEONE HAS THAT -- ALL THESE -- IS THROWING ALL THESE KITTENS OUT, THAT THEY ARE OBTAINING A ACCESS TO THESE KITTENS SOMEHOW AND THERE SOMEBODY SOME ABILITY TO HAVE A DATABASE TRACK --

THERE IS, BUT THEY KEEP -- [INAUDIBLE - NO MIC].

McCracken: PERHAPS WHAT WE CAN DO -- I'LL BE INTERESTED IN EXPLORING THIS FURTHER WHEN WE HAVE THE PUBLIC SAFETY BUDGET HEARING BECAUSE, AS YOU ALL ACCURATELY STATE, PEOPLE WHO ABUSE ANIMALS, THAT IS A STRONG PREDICTOR OF VIOLENCE AGAINST CHILDREN AND AGAINST PEOPLE IN GENERAL AS THE PREDICTOR OF SERIAL KILLERS. NOT ONLY THAT, IT'S JUST WRONG. SO WE NEED TO BE PAYING ATTENTION TO THIS TO THE EXTENT WE CAN. AND MARSHALLING ALL OF OUR EXCEPTIONAL CRIME TRACKING EFFORTS ON THIS AS WELL. IT'S A BIG DEAL.

Mayor Wynn: THANK YOU, COUNCILMEMBER. OUR NEXT SPEAKER IS LINDA MCNEILAGE. WELCOME, MA'AM. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY RICHARD TROXELL.

THANK YOU, HONORABLE, MAYOR, COUNCILMEMBERS. I'M LINDA MCNEILAGE, CHAIR OF THE OLD WEST AUSTIN NEIGHBORHOOD ASSOCIATION. I COME BEFORE YOU TODAY TO TALK ABOUT OUR CONCERNS REGARDING PROCESS PROBLEMS. WE HAVE REPEATEDLY ENCOUNTERED WITH CODE ENFORCEMENT AND INTERPRETATION. AND I WANT TO ASK THAT CITY STAFF WORK WITH US TO SOLVE THESE PROBLEMS. WE APPRECIATE TOBY FUTRELL'S RECENT RESPONSIVENESS TO COMMUNICATION ABOUT THESE CONCERNS, YET FEEL IT'S IMPORTANT TO RAISE YOUR AWARENESS OF THESE PROCESS PROBLEMS RELATING TO CODE INTERPRETATION AND ENFORCEMENT. OUR NEIGHBORHOOD AND OTHERS ARE SUFFERING SERIOUS CONSEQUENCES AS A RESULT OF CODES AND COMPATIBILITY STANDARDS BEING EITHER IGNORED OR NOT

EFFECTIVELY ENFORCED. WE RELY UPON CODE ENFORCEMENT TO PROTECT THE RESIDENTIAL AMBIANCE AND CHARACTER OF OUR NEIGHBORHOOD. CODE VIOLATIONS ARE NOT VICTIMLESS CRIMES. IT IS THE UNSANCTIONED TRANSFER OF PROPERTY VALUES FROM SURROUNDING PROPERTIES TO THE PROPERTY THAT HAS BROKEN THE RULES IN ORDER TO OVERBUILD. INAPPROPRIATE SCALE AND MASS DIMINISH THE PROPERTY VALUES OF NEARBY RESIDENCES AND ALTER THE CHARACTER AND AMBIANCE OF THE ENTIRE SURROUNDING AREA. EXAMPLES OF PROBLEMS THAT WE ARE SEEING ARE VIOLATING THE CODE BY A LOOPHOLE. FOR EXAMPLE, A FLOWER BOX, DIRT OR MULCH IS REALLY INTENDED TO LOWER THE HEIGHT OF A BUILDING, THEN DETERMINE A THRESHOLD TO DETERMINE HOW MUCH DIRT IS TOO MUCH. THE INTERPRETATION OF CODES RESULT IN APPROVALS WELL BEYOND THE INTENT AND SPIRIT OF THE CODE. RELIANCE UPON CITIZEN COMPLAINTS TO IDENTIFY CODE VIOLATIONS OR ALTERNATIVELY RELYING UPON VOLUNTARY COMPLIANCE FROM DEVELOPERS WITHOUT SUFFICIENT CONSEQUENCES SHALL DETERMINANTS IN PLACE TO APPLY SANCTIONS WHEN COMPLIANCE IS NOT ACHIEVED IS INSUFFICIENT AND INADEQUATE. WE BEGAN DEVELOPING SOME IDEAS FOR REMEDIES TO THESE PROBLEMS. SOME ARE VERY SIMPLE. FOR EXAMPLE, ADD COMPATIBILITY STANDARD CHECKLISTS TO SITE PLAN REVIEW PROCESS. SOME GENERATE REVENUE STREAMS TO COVER THE COSTS, FOR EXAMPLE, ADD FEES TO DEVELOPMENTS WHERE THERE'S A HISTORY OF VIOLATIONS WHICH SUGGESTS THAT ADDED REVIEW AND INSPECTIONS ARE CALLED FOR. SOME JUST REQUIRE UP FRONT CLARIFICATION OF DEFINITIONS. FOR EXAMPLE, IDENTIFY STANDARD GUIDELINES FOR THE FLOWER BOX LOOPHOLE. IN ADDITION, WE RECOMMEND THAT DEVELOPERS WITH A HISTORY OF CODE VIOLATIONS NEED TO BE REQUIRED TO PROVIDE FIELD SURVEYS SHOWING SETBACKS AND HEIGHTS FOR THE PROJECT AS BUILT PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY. SERIOUS CONSEQUENCES FOR CODE VIOLATIONS WOULD INDIRECTLY SAVE THE CITY MONEY BY NOT CLOGGING UP BOARDS, COMMISSIONS AND COUNCIL WITH POST-HOCK REQUESTS FOR WAIVERS AND VARIANCES. WE LOOK

FORWARD TO WORKING WITH CITY STAFF TO LOOK FOR CHANGES AND DEVELOP A MORE FAIR AND JUST PROCESS THAT MAINTAINS THE INTEGRITY OF THE CODE AND PROMOTE MORE UNIFORM CODE COMPLIANCE AND ENFORCEMENT. THANK YOU.

Mayor Wynn: THANK YOU. AND THE CITY MANAGER DID COPY THE ENTIRE COUNCIL ON HER RESPONSE TO YOU RECENTLY, AND IT'S AN IMPRESSIVE RESPONSE AND I THINK WE'LL SEE SOME ACTION BECAUSE OF IT.

I VERY MUCH APPRECIATE HER RESPONSE. AND I'M VERY OPTIMISTIC THAT WE CAN WORK OUT SOMETHING AND WORK TOGETHER AS A TEAM.

Mayor Wynn: GREAT. THANK YOU, MA'AM. RICHARD TROXELL, WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU. GOOD AFTERNOON, MY NAME IS RICHARD TROXELL, I'M PRESIDENT OF HOUSE THE HOMELESS. I'M ALSO -- I ALSO SIT ON THE BOARD OF THE NATIONAL COALITION OF THE HOMELESS IN WASHINGTON, D.C. I'M HERE TO TALK ABOUT HATE CRIMES AGAINST PEOPLE IN THE STATE OF TEXAS, IN THIS NATION AND IN AUSTIN. THE LAST TIME I WAS HERE I SHOWED YOU A VIDEO OF FOUR INDIVIDUALS THAT Poured water and you are innated on homeless people and then zapped them with 50,000 volts from tasers. Today we're going to show you what has recently happened in Corpus Christi.

SOMETIME AROUND 3:45 THAT MORNING A GROUP OF PEOPLE WALKED UP TO A MAN AS HE SLEPT ON A BENCH AND SET HIM ON FIRE. THAT WHOLE INCIDENT WAS CAUGHT ON TAPE.

WE ARE LOOKING AT TWO ANGLES OF THE INCIDENT CAPTURED BY THE CAMERAS MOUNTED ON A BUILDING. LET'S WATCH AND SEE WHAT HAPPENS. THE CARS HAVE GONE BY, THEY'RE GOING TO MAKE A U-TURN. THEY SEE THE MAN AND THEY GO TO THE PARKING LOT, THEY ALL GET OUT OF THE CAR, THEY WALKED OVER TOWARD THE MAN, HE'S SLEEPING, THEY'RE ONLY THERE FOR A FEW SECONDS. THEY POWER SOME KIND OF ACCELERANT ON HIM AND

SURE ENOUGH THEY LIGHT HIM ON FIRE AND THEN LEAVE THE SCENE. LET'S TAKE A CLOSER LOOK FROM A DIFFERENT ANGLES. THE VEHICLES APPEAR TO BE A LIGHT COLORED SPORTS CAR, POSSIBLY A CAMARO, AND A MEDIAN TWO-DOOR POSSIBLY FORD EXPLORER SPORT. THIS TAPE IS AT ABOUT DOUBLE SPEED BUT THEY'RE ONLY OUT OF THE CAR FOR ABOUT 40 SECONDS. THE VICTIM BURNED FOR MUCH LONGER. TAKE A LOOK AT 40-YEAR-OLD LUCAS WISER. HE'S NOW GOING THROUGH HYDROTHERAPY AT THE HOSPITAL. HE HAS NOT BEEN ABLE TO PROVIDE INVESTIGATORS WITH ADDITIONAL INFORMATION BECAUSE CEASE BEEN UNDER SO MUCH MEDICATION. RIGHT NOW WHAT POLICE KNOW IS WHAT'S ON THAT TAPE. THEY'RE ASKING FOR INFORMATION ABOUT THE SUSPECT AND THE VICTIM TO COME FORWARD.

THREE AND A HALF MILLION PEOPLE ARE GOING TO EXPERIENCE HOMELESSNESS IN THIS COUNTRY THIS YEAR. OVER THE LAST FIVE YEARS, THE NATIONAL COALITION FOR THE HOMELESS HAS BEEN COLLECTING INFORMATION ABOUT ACTS OF VIOLENCE AGAINST PEOPLE LIVING ON THE STREETS AND MURDERS. GANG INITIATIONS WHERE PEOPLE HAVE BEEN DECAPITATED. WE HAVE BEEN CHRONICLING THIS. IT'S TIME NOW FOR THE FEDERAL GOVERNMENT TO STEP IN WITH THE INFORMATION THAT WE HAVE PROVIDED AND CONDUCT THEIR OWN INVESTIGATION. WE'RE NOT SURE WHERE AN INVESTIGATION WOULD LEAD, BUT WE ARE ASKING THE CITY COUNCIL TO URGE THE FEDERAL GOVERNMENT TO RECOGNIZE THAT WE HAVE FIVE YEARS OF EVIDENCE, PROOF THAT THIS HAS BEEN OCCURRING IN EXTREMELY LARGE NUMBERS. [BUZZER SOUNDS] WE ARE LOOKING FOR A CHAMPION, WE ARE LOOKING FOR A HUMANE TEARIAN. WE'RE ASKING OUR CITY COUNCIL TO CARRY THE WATER. THANK YOU.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL OF OUR CITIZENS WHO SIGNED UP FOR GENERAL COMMUNICATIONS. AT THIS TIME BEFORE BREAKING FOR EXECUTIVE SESSION AND/OR LUNCH, I THINK WE'RE READY TO TAKE BACK UP TABLED ITEM NUMBER 32 RELATED TO THE AUSTIN MUSIC NETWORK. AND I'LL RECOGNIZE THE MAYOR PRO TEM.

Goodman: THANKS, MAYOR. THIS IS THE MOTION THAT I WOULD MAKE, TO DIRECT THE CITY MANAGER TO TRANSFER

THE REMAINING FUNDS UNDER THE CONTRACT WITH KENNETH THREADGILL MUSIC PROJECT FOR MANAGEMENT OF THE AUSTIN MUSIC NETWORK TO ACTV IN ACCORDANCE WITH DISCUSSIONS WITH ACTV AND IN COMPLIANCE WITH ACTV'S FREE SPEECH POLICIES. TWO, DIRECT THE CITY MANAGER TO PROVIDE ANALYSIS OF OPTIONS FOR TRANSFER OF EXISTING AUSTIN MUSIC NETWORK PROGRAMMING TO OTHER ACCESS COALITION SVEN NEWS. VE

Mayor Wynn: SO THE MOTION IS ON THE TABLE BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: WOULD THE PART 2 THAT YOU MENTIONED, MAYOR PRO TEM, REPLACE THE PART 2 THAT'S ON THERE OR SHOULD WE READ THAT INTO THE RECORD AS WELL ABOUT THE CITY MANAGER CONTINUING TO PROVIDE PROGRAMMING UNTIL ANOTHER --

Goodman: YEAH. I WASN'T CHANGING THAT, BUT I NO LONGER HAVE MY ORIGINAL LANGUAGE BECAUSE TERRY HAS THAT.

Alvarez: I DON'T HAVE THAT YELLOW SHEET. >>>>

MAYOR WYNN: THANK YOU, MS. BROWN.

Goodman: SO DO YOU WANT TO AMEND THAT IN?

Alvarez: I'LL SECOND IT IF YOU ADD THAT ON.

Goodman: OKAY. THEN FROM THE ORIGINAL YELLOW SHEET, PLEASE CONSIDER THIS TO BE INCLUDED. ALSO TO DIRECT THE CITY MANAGER TO CONTINUE PROVIDING LOCAL MUSIC PROGRAMMING TO BE AIRED ON CHANNEL 15 UNTIL AND UNLESS A CONTRACT IS NEGOTIATED AND EXECUTED REGARDING ITS MANAGEMENT AND OPERATION. THERE IS NO UNANTICIPATED FISCAL IMPACT. A BUDGET AMENDMENT IS NOT REQUIRED.

Mayor Wynn: SO OUR SECOND, COUNCILMEMBER DUNKERLEY ACCEPTS THAT AS AN APPROPRIATE FRIENDLY AMENDMENT

TO THE ORIGINAL MOTION. FURTHER COMMENTS?

Slusher: I NEED TO UNDERSTAND.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: SO ON NUMBER 2 ON THE NEW MOTION, DIRECT THE CITY MANAGER TO PROVIDE ANALYSIS OF OPTIONS FOR TRANSFER OF EXISTING AUSTIN MUSIC NETWORK PROGRAMMING TO OTHER ACCESS TELEVISION VENUES, I'M ASSUMING THEN THAT MEANS SHE WOULD HAVE TO SIT DOWN WITH ANYBODY THAT'S PROPOSING AN ALTERNATIVE AND DISCUSS THEIR PROPOSED TERMS IN ORDER TO ANALYZE THEM?

Goodman: WELL, I WOULD ASSUME SO. I DON'T THINK THE CITY MANAGER NEEDS TO DO THIS HER VERY OWN SELF. I THINK ANOTHER DESIGNEE WOULD BE LOGICAL.

Slusher: OF COURSE. I WOULD CERTAINLY AGREE WITH THAT.

Goodman: BUT YES.

Slusher: THEY PROBABLY WOULD TOO.

Goodman: SO THAT EVERY SINGLE COMPONENT OR POSSIBLE SCENARIO IS FLESHED OUT WITH LEGAL ANALYSIS OF FRANCHISE AND ANY OTHER ISSUE SO THAT WE CAN SEE IT.

Slusher: BUT THIS SAYS TO OTHER ACCESS TELEVISION VENUES. SO WOULD THAT INCLUDE -- THERE'S A PROPOSAL THAT'S BEEN OUT THERE THAT'S PRESENTED TO THE SUBCOMMITTEE AND THAT CAUSED SOME CONTROVERSIES SEVERAL MONTHS AGO. IT WASN'T BEFORE US, BUT THE NETWORK ITEM WAS BEFORE US. WOULD THE MANAGER BE ABLE TO TALK TO THEM ABOUT THIS MOTION OR JUST TO -- I GUESS I'M NOT CLEAR ON WHAT IT MEANS, OTHER ACCESS TELEVISION VENUES.

Goodman: I DON'T KNOW HOW TO MAKE MORE DETAILS.
WHAT --

Slusher: WOULD THE MANAGER BE ABLE TO TALK TO, WHAT IS IT, THE AUSTIN MUSIC PARTNERS, THAT PROPOSAL UNDER THIS MOTION? SHE SHOULD BE ABLE TO DISCUSS THEIR PROPOSAL?

Goodman: YES, ALL OF THAT IS UNDER THE OPTIONS.

Slusher: I GUESS WHAT CONFUSED ME WAS I DON'T REALLY UNDERSTAND THE CLAUSE ABOUT OTHER ACCESS TELEVISION VENUES. I THINK COUNCILMEMBER DUNKERLEY WANTS --

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I THINK IN ADDITION TO THAT, THE TELECOMMUNICATIONS SUBCOMMITTEE DID CLARIFY, AMONG OTHERS, FOR THE STAFF TO NEGOTIATE WITH AUSTIN MUSIC PARTNERS AND BRING IN WRITING SOMETHING SO THAT THE SUBCOMMITTEE AS WELL AS OTHER INTERESTED PARTIES COULD DETERMINE WHAT THE PROPOSAL WAS, AND IF IT WAS VIABLE. I THINK WE COVERED THAT IN THE ITEM, AND I THINK MAYOR PRO TEM IS PROBABLY EXTENDING THAT TO COVER MAYBE SOME KIND OF TRANSITION DEALING WITH ANY OTHER PARTNERS THAT COME UP, ACTV AS WELL.

Goodman: WELL, LET ME TRY TO CLARIFY IT. THE FACT THAT YOU HAVE SAID AUSTIN MUSIC NETWORK, ANY OF THE OPTIONS OUT THERE HAS TO DO WITH AUSTIN MUSIC NETWORK, WHETHER IT INCLUDES AUSTIN MUSIC PARTNERS OR ACCESS CHANNELS THROUGH ACTV. SO BY SAYING AUSTIN MUSIC NETWORK PROGRAMMING, YOU'VE COVERED THE ABILITY FOR STAFF TO HAVE MEETINGS, ASK QUESTIONS, ANALYZE LEGAL OR OTHER CONTRACTUAL PROVISIONS FOR ANY -- ANYTHING AT ALL PROPOSED FOR AMN. AND THAT WOULD EVEN INCLUDE WHAT SHE'S ALREADY DONE, WHICH IS TALK TO STAFF ABOUT THE BACKUP PLAN FOR CHANNEL 6 TO COVER UNDER ITS OWN BUDGET IF NOTHING WORKS IN TIME.

Slusher: I JUST WANTED TO MAKE THAT CLEAR. I GUESS THAT INCLUDES THE MANAGER WOULD ANALYZE THE QUESTIONS

ASKED BY THE MUSIC COMMISSION AS WELL.

Goodman: THIS WAS SUPPOSED TO BE THE OPEN DOOR FOR THAT AND FOR IT TO BE IN THE PUBLIC VENUE AS WELL FOR PUBLIC REVIEW. ALTHOUGH THE ACTV BOARD IS WORKING ON THAT FOR THEMSELVES BECAUSE THERE ARE ACTUALLY MORE ISSUES THAN WE'RE EVEN TRYING TO COVER WITH AMN. THERE ARE ACTV POLICIES THAT PRODUCERS WANT TO TALK TO ACTV BOARD MEMBERS ABOUT.

Slusher: OKAY. I THINK THAT'S CLEAR ENOUGH.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER MCCRACKEN.

McCracken: I HAD SOME QUESTIONS. FIRST, THE AMENDMENT BEFORE US STATES THAT THE MONEY WILL BE TRANSFERRED FROM THE AUSTIN MUSIC NETWORK, IT WILL BE TRANSFERRED TO ACTV IN ACCORDANCE WITH DISCUSSIONS OF ACTV. IS THERE SOME DISCUSSIONS THAT HAVE ALREADY TAKEN PLACE?

Goodman: I BELIEVE THAT SHE SENT US ALL AN E-MAIL AND SHE TESTIFIED HERE TODAY.

McCracken: THEN -- BECAUSE IT WASN'T IN THE AMENDMENT, I DID NOT REALIZE IT WOULD BE PART OF WHAT WE'RE BEING ASKED TO VOTE FOR. COULD WE GET SOME CLARIFICATION SINCE WE'RE ABOUT TO VOTE NOW OF WHAT THESE DISCUSSIONS SPECIFICALLY LEAD US TO? I WANT TO MAKE SURE I KNOW WHAT WE'RE VOTING FOR IN TERMS OF WHERE THESE DISCUSSIONS MAY BE TAKING US.

Goodman: I APOLOGIZE. I WAS TRYING NOT TO HAVE A FOUR-PAGE RESOLUTION, BUT YOU KNOW WE PROBABLY SHOULD HAVE BITTEN THE BULLET AND JUST WRITTEN IT ALL DOWN. WE HAVE FOLKS HERE FOR RESOURCE.

McCracken: I JUST ASSUMED IT WOULD BE CITY STAFF -- IS THIS DISCUSSION BETWEEN AMN AND CITY STAFF OR CITY STAFF AND ACTV. ALL THREE?

WOULD YOU LIKE ME TO TAKE A STAB AT THIS?

McCracken: I WOULD, THANKS.

MAYOR PRO TEM, IS THAT -- IF YOU'LL WATCH CAREFULLY, AS I'M SAYING THIS, BE SURE I'M SAYING THIS THE WAY WE'VE GOT IT KIND OF LINED OUT. THERE'S A SERIES OF ACTIONS THAT ARE OCCURRING HERE, SOME THAT ARE UNDERNEATH THIS ACTION AND SOME THAT ARE STRAIGHTFORWARD IN THIS ACTION, BUT LET ME KIND OF TRY TO OUTLINE THEM. THE FIRST WOULD BE THE TRANSFER OF THE \$15,000 TO ACTV SO THAT THEY WOULD WORK IN ACCORDANCE WITH AUSTIN MUSIC NETWORK TO COMPLETE THE REST OF THIS CONTRACT AND KEEP PROGRAMMING ALIVE ON CHANNEL 15, MUSIC PROGRAMMING ALIVE ON CHANNEL 15. AS PART OF THAT THERE IS AN ONGOING DISCUSSION AND HOPEFULLY A NEGOTIATION AND CONCLUSION TO HOW A FINAL TRANSITION WOULD OCCUR WITH THE MUSIC NETWORK TO BLEND IN WITH ACTV. THEN THERE'S A SECOND STEP WHICH WILL INVOLVE WHAT OCCURS WITH CHANNEL 15 AFTER SEPTEMBER 30TH. AND THE ACTION ASKS US TO NEGOTIATE AND EXPLORE AND BRING BACK IN WRITING OPTIONS FOR THAT, INCLUDING NEGOTIATIONS AND DISCUSSIONS WITH AUSTIN MUSIC PARTNERS. AND THERE'S A THIRD ITEM THAT'S NOT SPECIFICALLY SPELLED OUT, BUT WE WILL BE REQUIRED TO DO WHATEVER ELSE IS NECESSARY TO MAKE THOSE PRIOR TO THOSE WORK, SUCH AS WHATEVER CHANGES MIGHT NEED TO HAPPEN WITH TIME WARNER OR THE GRANDE CONTRACT WOULD NEED TO BE RESOLVED, SO THAT'S THE THIRD ITEM. DOES THAT KIND OF SUMMARIZE IT? AND I THINK THE FOURTH PIECE IS AFTER SEPTEMBER 30TH, IF NOTHING IS TOTALLY IN PLACE TO TAKE OVER 15, THEN THERE IS A BACKUP ADMINISTRATIVE PLAN FROM CITY STAFF TO KEEP CHANNEL 15 ROLLING UNTIL WE CAN COMPLETE THESE NEGOTIATIONS. SO THE CHANNEL IS PROTECTED AND SAFE UNTIL THE NEGOTIATIONS ARE COMPLETE. SO I KIND OF SEE IT AS A FOUR-WAY PLAN. FINISHING OUT THE CONTRACT AND A FINAL TRANSITION, BLENDING ACTV AND AUSTIN MUSIC NETWORK, REMOVING ALL BARRIERS WITH OUR EXISTING FRANCHISE AGREEMENT, COMING TO RESOLUTION ON CHANNEL 15 WITH WHOEVER A NEW PROVIDER WOULD BE, INCLUDING DISCUSSIONS AND

NEGOTIATIONS WITH AUSTIN MUSIC PARTNERS. AND FOURTH AND FINAL, A BACKUP PLAN FOR CHANNEL 15 IF THAT'S NOT IN PLACE BY OCTOBER 1, THE CITY STAFF WILL DO IT ADMINISTRATIVELY. DOES THAT HELP? >>

MCCRACKEN: YES. SO TO MAKE SURE I UNDERSTAND, BY THIS VOTE WE WOULD BE A RESULT THEN -- ACTV WOULD BE RUNNING THE CHANNEL 15 FOR THE REMAINING TWO MONTHS, AND THEN --

Futrell: ACTV IN COORDINATION WITH AUSTIN MUSIC NETWORK ARE GOING TO PARTNER TOGETHER TO FINISH OUT THE CONTRACT AND KEEP PROGRAMMING ALIVE ON 15.

McCracken: AND THIS RESOLUTION ALSO AUTHORIZES THAT WE WILL THEN BE INITIATING TALKS TO PUT CHANNEL 15 INTO PRIVATE HANDS AT NO TAXPAYER EXPENSE? >>

FUTRELL: THE GOAL WAS TO FIND A SOLUTION FOR CHANNEL 15 THAT HAS NO CITY DOLLARS ATTACHED TO IT.

Goodman: WHICH IS NOT QUITE WHAT --

Futrell: THAT'S WHY I WANTED YOU TO LISTEN. GO AHEAD.

Goodman: PRIVATE HANDS I THINK IS ONE OF THE ISSUES BECAUSE THERE IS A PERCEPTION THAT CHANNEL 15 WOULD IN FACT BE GIVEN TO A COMMERCIAL ENDEAVOR ALMOST AS AN INTELLECTUAL PROPERTY OR -- I DON'T KNOW MY TERMINOLOGY HERE, BUT AN ACTUAL ASSET. THAT IS NOT THE CASE. IT IS A CONTRACT FOR PROGRAMMING ON THE CHANNEL GIVEN OVER TO MUSIC. IF IT COSTS THE CITY NOTHING, OBVIOUSLY THAT'S WHAT SOME COUNCILMEMBERS WILL LIKE. IT IS, HOWEVER, THE CITY'S CHANNEL AND WOULD REMAIN SO. WHAT WE'RE TRYING TO FIND A WAY TO DO IS ENHANCE OUR ABILITIES AND ECONOMIC DEVELOPMENT, VISITORS AND SO ON, AS WELL AS IMPROVEMENT OF STATUS FOR AUSTIN MUSIC AND MUSICIANS WITHOUT THE CONTRIBUTION FROM THE CITY. AND SOME COUNCILMEMBERS OBJECTED EVEN TO A CULTURAL ARTS GRANT THAT WAS GIVEN FROM CITY CHanneled MONEY PAID FOR BY NO CITY OF AUSTIN TAXPAYER. SO THIS ALLOWS THAT TO MOVE FORWARD. ALL

TALKS, ALL DISCUSSIONS, ALL PROVISIONS IN THE PUBLIC VENUE FOR PUBLIC REVIEW, BUT IT IS STILL THE CITY CHANNEL THROUGH THE FRANCHISE AGREEMENT WITH TIME WARNER.

Futrell: I THINK, COUNCILMEMBER, THE OPERATIVE WORD CHANGE THAT YOU USED THE WORD PRIVATE, AND I THINK THE MAYOR PRO TEM IS SAYING THERE ARE A VARIETY OF WAYS TO GET AT THAT OPTION THAT MAY NOT INVOLVE JUST A PRIVATE ENTITY, BUT A WAY TO PROVIDE MUSIC PROGRAMMING ON 15 WITH THE GOAL BEING WITHOUT CITY DOLLARS.

McCracken: AND I WANT TO MAKE CLEAR THAT -- I DO UNDERSTAND THIS IS AN ISSUE IN THE DISCUSSION. SO THEN CHANNEL 15 BY THIS ACTION TODAY, WHAT WE WILL BE DOING IS SAYING THAT CHANNEL 15 FROM OCTOBER 1 ON BY THIS ACTION, THAT NO TAX DOLLARS WILL BE USED TO PAY FOR THE OPERATION OF THAT CHANNEL AND IT WILL REMAIN A MUSIC CHANNEL, IS THAT ACCURATE?

Goodman: I THINK YOU SHOULD CLARIFY WHAT YOU MEAN BY TAX DOLLARS. ARE YOU ALSO TRYING TO PRECLUDE AS A MOTION LAST TIME WE HAD THIS IN COUNCIL FROM EVEN THE CULTURAL ARTS GRANT?

McCracken: I'M SIMPLY ASKING A QUESTION.

Goodman: AND I'M ASKING YOU TO CLARIFY YOUR QUESTION.

McCracken: I INCLUDE AS TAX DOLLARS, TAXES THAT ARE COLLECTED AT HOTELS IN ADDITION TO TAXES THAT ARE COLLECTED FROM PROPERTY OWNERS. SO I WOULD INCLUDE THAT AS TAX DOLLARS, YES, BECAUSE THEY COME FROM TAX COLLECTION.

Goodman: THEY DO, BUT THE IMPLICATION IS THAT THE CITY OF AUSTIN TAXPAYERS PROVIDE THOSE WHEN IN FACT IT IS VISITORS TO THE CITY. AND THE CULTURAL ARTS FUNDING PROCESS THROUGH THOSE DOLLARS IS FOR PROJECTS TO GO THROUGH A PROCESS OF OFFERING SUGGESTIONS TO A PANEL, WHICH IS NOW BEING REVAMPED FOR THAT REVIEW. AND I DON'T THINK THAT THERE IS A LEGITIMATE

RATIONALIZATION FOR PRECLUDING AMN FOR SOME REASON -- IT'S DEMONIZATION OF THE NETWORK TO ME MORE THAN PROTECTING AUSTIN TAXPAYERS FROM HAVING TO PAY FOR SOMETHING THAT YOU DON'T BELIEVE SHOULD BE PAID FOR BY US. IT IS, THOUGH, A WAY FOR THE CULTURAL ARTS GRANTS TO HELP THE STATUS OF THOSE PROJECTS WHICH IN TURN HELP OUR STATUS AS A DESTINATION POINT. AND I THINK THAT AMN HAS A LEGITIMATE PERSONA AND A LEGITIMATE RETURN ON INVESTMENT TO US AS A CITY BECAUSE WE ARE SUPPOSEDLY THE LIVE MUSIC CAPITOL OF THE WORLD. AND SO TO PRECLUDE THEM FROM ANY SORT OF TAX DOLLAR I THINK GOES WAY BEYOND WHAT YOU'RE TRYING TO DO FOR THE CITIZENS OF AUSTIN AND THOSE TAXPAYERS. AND SO I WOULD OBJECT TO UNILATERALLY SAYING THERE IS NO PUBLIC DOLLAR THAT WILL GO TO AMN EVER.

McCracken: MAYOR, I THINK I MAY BE A WHOLE LOT MORE CONFUSED THAN I WAS ABOUT THREE MINUTES AGO BECAUSE AS I UNDERSTOOD THIS, AMN COME OCTOBER 1, THE -- AS I UNDERSTOOD IT, THERE WERE NOT GOING TO BE TAX DOLLARS USED TO FUND THE OPERATIONS OF A MUSIC CHANNEL. AND LET'S BE CLEAR ABOUT THIS BECAUSE THERE ARE A LOT OF CULTURAL ARTS GROUPS IN THIS COMMUNITY WHO COMPETE FOR THESE FUND, SO IT IS NOT ABOUT WHETHER YOU USE IT OR YOU DON'T, IT IS A CHOICE ABOUT HOW TO SPEND DOLLARS THAT ARE COLLECTED. AND I AM ON RECORD LONG-STANDING THAT I WOULD PREFER THAT THOSE DOLLARS BE USED TO SUPPORT SUCH THINGS AS FUNDING NATIONAL TOURS, FOR FUNDING CAMPAIGNS FOR AUSTIN MUSIC. I DO NOT BELIEVE THAT THE CHOICE OF HOW WE SPEND THESE DOLLARS THAT BY CHOOSING TO SPEND THEM ON AMN THAT EVEN GIVES US THE BEST BANG FOR THE BUCK ON THE MUSIC AND SUPPORTING THE MUSIC. SO IF THE IDEA OF THIS AMENDMENT IS TO CONTINUE TO USE TAX DOLLARS TO FUND A MUSIC CHANNEL ON CHANNEL 15, I WANT TO KNOW THAT BECAUSE I'M GETTING CONFLICTING MESSAGES ON --

Slusher: MAYOR, LET ME SAY SOMETHING REAL QUICK.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I THINK WHAT MAYOR PRO TEM IS SAYING IS THAT PRIOR TO THE ARTS FUNDING PROCESS THAT IT WOULD NOT BE APPROPRIATE TO SINGLE OUT ANYONE AND SAY YOU'RE NOT ELIGIBLE TO PARTICIPATE IN THAT PROCESS. I THINK THAT'S THE POINT SHE'S MAKING. AND PHILOSOPHICALLY THAT SEEMS PROBABLY LEGALLY TOO A LEGITIMATE POINT TO MAKE. IF THEY WENT THROUGH THAT AND WERE RECOMMENDED FOR SOME FUND, THEN THE COUNCIL WOULD HAVE TO DECIDE AT THAT TIME WHETHER TO SUPPORT THAT RECOMMENDATION FROM THE ARTS COMMISSION. THAT'S THE WAY I'M INTERPRETING HER -- THIS PARTICULAR POINT.

Mayor Wynn: THANK YOU. FURTHER COMMENTS, QUESTIONS?

Alvarez: MAYOR. I DID WANT TO BRING TO COUNCILMEMBER MCCRACKEN'S ATTENTION, I DID FORWARD TO YOU THE ACTV STATEMENT WHERE MS. BOWERS ARTICULATED SORT OF THE ACTIONS THAT THEY WERE GOING TO BE CONTEMPLATING IN MOVING FORWARD, BECAUSE I THINK THAT WAS THE GENESIS OF YOUR QUESTION ORIGINALLY. AND SHE HAD SENT THAT TO US. I JUST WANTED TO MAKE SURE YOU HAD IT ON THE TOP OF YOUR LIST OF E-MAILS. AND ALSO JUST THAT THIS PART THAT WE'RE VOTING ON TODAY DEALS WITH TRYING TO KEEP PROGRAMMING ON CHANNEL 15 FROM NOW UNTIL THE END OF THE FISCAL YEAR AND TRYING TO FIND A CREATIVE WAY OF DOING THAT. AND THE TELECOM COMMITTEE DID PASS A RESOLUTION DIRECTING STAFF TO BEGIN SOLICITING OR DISCUSSING WITH AMP, AUSTIN MUSIC PARTNERS, WHAT THEIR PROPOSAL MIGHT BE FOR CHANNEL 15, BUT WE DIDN'T WANT TO BRING THAT FORWARD BECAUSE WE DIDN'T REALLY FEEL THERE'S ENOUGH DETAILS ABOUT WHAT THAT PROPOSAL IS FOR THE -- FOR THE COUNCIL TO DIRECT A SPECIFIC NEGOTIATION WITH THEM. AND SO THIS ACTION DOESN'T DO THAT. IT DOESN'T TALK ABOUT WHAT HAPPENS NECESSARILY AFTER OCTOBER 1 OTHER THAN LET'S TRY TO KEEP SOME MUSIC PROGRAMMING ON THE AIR WHILE THAT GETS FIGURED OUT. AND THERE MAY OR MAY NOT BE AN AGREEMENT STRUCK WITH AMP OR ANYBODY ELSE, BUT THIS DEALS WITH HOW CAN WE ENSURE THAT THERE'S SOME MUSIC PROGRAMMING THAT TAKES PLACE BETWEEN NOW AND THAT TIME, IF WE EVER GET TO A POINT WHERE

THERE'S AN AGREEMENT REACHED. SO I JUST WANTED TO MAKE SURE THAT THIS PARTICULAR ACTION DOESN'T SAY WE'RE GOING TO ENTER INTO AN AGREEMENT WITH ANYONE FOR THE FUTURE OF CHANNEL 15 BEYOND OCTOBER 1. IT JUST SAYS IT'S KIND OF A STOPGAP MEASURE TO GET US SOMETHING IN PLACE WHILE THOSE DISCUSSIONS TAKE PLACE WITH THAT THIRD PARTY.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS?

Slusher: I JUST WANTED TO SAY -- NO MORE QUESTIONS. I DON'T HAVE A QUESTION. BUT I WANTED TO SAY A COUPLE OF THINGS THAT I AM -- ONE REASON I'M VOTING FOR THIS, I WANT -- I WOULD LIKE TO SEE CHANNEL 1515 PRESERVED AS A PUBLIC DOMAIN CHANNEL. I CERTAINLY WOULD NOT WANT TO SEE IT GO DARK. AND THIS SEEMS LIKE THE BEST ROUTE TO TAKE TO TRY TO MAKE THAT HAPPEN OR PREVENT THE OPPOSITE FROM HAPPENING. I WOULD LIKE FOR THE MANAGER TO BE ABLE TO HEAR WHAT ANY GROUP THAT'S PROPOSING AN ALTERNATIVE TO KEEP IT LIVE TO HEAR WHAT THEY HAVE TO SAY FOR THERE NOT TO BE ANY CONFUSION ABOUT THE MANAGER HAVING THE AUTHORITY TO GO SPEAK WITH FOLKS THAT ARE PROPOSING. I THINK THAT SHE HAS -- SHE WOULD HAVE THE AUTHORITY IF THIS PASSES, AND THAT CONFUSION HAS BEEN LARGELY CLEARED UP ANYWAY. I WOULD ASK EVERYONE INVOLVED TO REALIZE THAT THE CITY IS IN THE MIDDLE OF OUR BUDGET PROCESS FOR OVER A BILLION DOLLAR BUDGET, POLICE, FIRE, E.M.S., PARKS, LIBRARIES, WATER, ELECTRIC, UTILITIES, THE AIRPORT, SOLID WASTE DEPARTMENT, ALL THE FUNCTIONS OF A CITY THAT CITIZENS AND TAXPAYERS DEPEND ON US TO PROVIDE IN AN ADEQUATE FASHION. AND WE'LL BE PASSING THAT BUDGET IN EARLY SEPTEMBER. WE HAVE A LOT OF WORK TO CONTINUE ON THAT IN THE MEANTIME. SO I DO NOT WANT THE MANAGER TO HAVE TO DIVERT FROM ANY OF THOSE OTHER DUTIES TO SPEND A LOT OF TIME ON THIS. I THINK SHE CAN HANDLE IT WITHIN THE WORK LOAD AND THE STAFF THAT SHE HAS, BUT I WOULD CERTAINLY ASK THE CITIZENS INVOLVED TO UNDERSTAND THE IMPORTANCE OF OUR RESPONSIBILITIES TO THE CITIZENS AND THE WIDE MAGNITUDE OF ISSUES

THAT WE HAVE TO DEAL WITH IN THE BUDGET PROCESS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS? I WILL SAY THAT THE CITY MANAGER, OF COURSE, HAS RECENTLY AFTER A LOT OF ANALYSIS AND CONCERN OVER THIS LARGER ISSUE WITH THE MUSIC NETWORK, HAS COPIED US ALL ON HER STATEMENT TO ESSENTIALLY REFUSE TO CONTINUE FUNDING IN ITS CURRENT OPERATION. THERE WERE SOME ISSUES THAT SHE HAD BIG CONCERNS ABOUT. I ALSO AGREE THAT THE VALUE OF HAVING CHANNEL 15 AVAILABLE -- AND I'LL DIFFER SLIGHTLY ON WHAT THAT FUTURE MIGHT HOLD AND HOW WE AS A COMMUNITY CAN VALUE FROM WHETHER A PUBLIC OR PRIVATE OPERATION OF THAT CHANNEL FOR THE BENEFIT OF PROMOTING AUSTIN'S MUSIC, FILM, OTHER CULTURAL ISSUES, IS WORTH US TRYING -- MAKING SURE FIRST AND FOREMOST THAT THAT STATION DOESN'T GO DARK AND WHATEVER TECHNICALITIES MAY PERHAPS JEOPARDIZE ULTIMATE CONTROL OF DECISION MAKING REGARDING THAT CHANNEL. SO IT SEEMS TO ME THAT THIS ACTION ALLOWS THE CITY MANAGER -- ACKNOWLEDGES HER CONCERNS OVER WHERE WE ARE TODAY THAT ALLOWS HER TO WITH HELP FROM ACTV BOTH CONTINUE SOME CURRENT OPERATIONS OF THE MUSIC NETWORK AND FOR FOLKS TO STILL BE ABLE TO SEE THOSE PERFORMANCES, BUT MOST IMPORTANTLY IT GIVES HER THE FLEXIBILITY AND ENABLES HER TO USE HER SKILLS AND HER STAFF TO FIGURE OUT AND COME BACK AND MAKE A RECOMMENDATION TO US IN THE KNOT TOO DISTANT FUTURE HOW WE AS A LARGER COMMUNITY CAN BENEFIT FROM THE GREAT WORK OVER AT ACTV, BUT ALSO HOW TO BEST UTILIZE CHANNEL 15. AND I DO GREATLY APPRECIATE THAT TELECOM SUBCOMMITTEE'S EFFORTS IN THIS. OBVIOUSLY IT'S A COMPLICATED, SOMETIMES EMOTIONAL ISSUE, BUT THE COMMITTEE TOOK A LOT OF MOVING PARTS AND TRIED TO CRAFT TOGETHER THE ABILITY OF OUR CITY MANAGER TO DO WHAT'S BEST FOR THIS BROADER COMMUNITY. SO I APPRECIATE THAT EFFORT. COUNCILMEMBER MCCRACKEN.

McCracken: I'M SORRY, I'M NOT PREPARED TO VOTE AT THIS MEMENT IF IT'S AS I UNDERSTAND IT. I NEED SOME CLARIFICATION FROM THE CITY MANAGER ABOUT THE

GOING FORWARD PROCESS. MY UNDERSTANDING IS THAT AS MATTERS CURRENTLY STAND, IF WE CONTINUE FUNDING AS CURRENTLY STANDS UNDER THE CONTRACT THAT THERE IS A STRONG LIKELIHOOD THAT THE CHANNEL WILL END UP GOING DARK AND THE CITY OF AUSTIN TAXPAYERS WILL -- THE FOLKS WHO PAY THE FRANCHISE FEE THROUGH THEIR CABLE BILLS WOULD THEREBY LOSE AN ASSET THAT THE CITY CURRENTLY HAS. AND THE SECOND PORTION THAT I UNDERSTAND TO BE TRUE THEN IS THAT AS A RESULT OF THIS AMENDMENT YOU WOULD BE AUTHORIZED TO NEGOTIATE A FUTURE FOR CHANNEL 15 THAT WOULD REMAIN -- AUSTIN MUSIC WOULD BE SHOWN ON THAT. AND THEN THE THIRD PART THAT I UNDERSTAND TO BE TRUE THEN IS THAT COME -- WITH THIS COMING BUDGET PROCESS AND THROUGH YOUR DISCUSSIONS, WE WILL HAVE ANOTHER OPPORTUNITY TO DO A NEW VOTE IN THE FUTURE TO DETERMINE WHETHER WE CHOOSE TO PROVIDE THIS CHANNEL TO AUSTIN MUSIC PARTNERS OR ANOTHER PRIVATE ENTITY WITHOUT EXPENDITURE OF TAX DOLLARS, HOWEVER THEY'RE COLLECTED OR FROM WHOMEVER THEY'RE COLLECTED OR -- COLLECTED OR WHETHER THAT CHANNEL WOULD BE FUNDED BY TAX DOLLARS, HOWEVER THE TAX DOLLARS ARE COLLECTED. IT'S KIND OF LONG, BUT IS THAT -- ARE THOSE THREE THINGS TRUE?

Futrell: VERY CLOSE. I'M GOING TO MAKE ONE CHANGE. ON THE VERY FIRST ONE, I WANT TO ASSURE EVERYBODY THAT REGARDLESS OF WHAT HAPPENS ON CHANNEL 15, THE CITY HAS A BACKUP PLAN TO PRESERVE THAT CHANNEL. REGARDLESS OF WHAT HAPPENS ON CHANNEL 15. WE HAVE A PLAN TO STEP IN AND PRESERVE THAT CHANNEL. BUT OTHER THAN THAT, THE PERMANENT FUTURE FOR CHANNEL 15 WILL COME BACK FOR A FULL VOTE TO THIS COUNCIL. SO YOUR THIRD BULLET IS ABSOLUTELY CORRECT. THE SECOND, WHICH IS THAT WE ARE FINDING A WAY TO FINISH OUT THIS CONTRACT WITHIN OUR EXISTING DOLLARS UNDER THIS IS TRUE. I THINK WHAT YOU'VE SAID IS RIGHT.

McCracken: I THINK THIS IS AN IMPORTANT MOMENT THAT IS COMING AND IS PARTICULAR FITTING THAT IT'S COMING UP DURING OUR BUDGET TIME BECAUSE A PERSON WOULD SAY THAT I THINK THERE'S AGREEMENT ON THIS COUNCIL THAT WE DO STRONGLY SUPPORT A STRONG MUSIC SCENE IN

THIS COMMUNITY, AND I KNOW THERE IS A DIFFERENCE ON THIS COUNCIL OF WHETHER THE CHOICE TO SPEND DOLLARS ON MUSIC NETWORK VERSUS ON OTHER MUSIC-RELATED ACTIVITIES WAS THE BEST CHOICE. I PERSONALLY BELIEVE, AS YOU ALL KNOW, THAT THIS WAS NOT THE BEST CHOICE ON HOW WE PROMOTE AUSTIN MUSIC. IN FACT, I THINK WE'VE SEEN AUSTIN MUSIC SUFFER DURING THE PERIOD THAT THE AUSTIN MUSIC NETWORK HAS RECEIVED MILLIONS OF DOLLARS. I THINK ON A BIGGER LEVEL, THOUGH, THAT THIS ISSUE HAS BEEN A DISTRACTION THAT HAS COST THIS COUNCIL CREDIBILITY, HAS CREATED A PERCEPTION WHICH IS COMPLETELY FALSE AND THIS COUNCIL IS NOT FISCALLY PRUDENT AND STRINGENT AND THIS COUNCIL AND THE CITY MANAGEMENT HAS UNIQUELY AMONG AMERICAN CITIES WEATHERED THE NATIONAL BUDGET CRISIS, WE EMERGED WITH A DOUBLE A BOND RATING, ABOUT THE BEST YOU CAN GET, NO ONE ELSE HAS DONE THAT. AND WE HAVE THE LOWEST TAX RATE OF ANY BIG CITY IN THE STATE OF TEXAS. IN AUSTIN, TEXAS IT IS CHEAPER TO OWN A 100,000-DOLLAR HOME THAN ANYWHERE ELSE IN THE STATE OF TEXAS. IT IS CHEAPER IN WHAT YOU PAY IN TERMS OF TAXES. SO WE HAVE BEEN MAKING THE HARD DECISIONS AND UNFORTUNATELY THIS DECISION HAS CREATED THE FALSE PERCEPTION THAT ALL SEVEN OF US AND THE MANAGER ARE NOT MINDFUL AND STRONG AND HAVING A FISCALLY RESPONSIBLE APPROACH TO OUR BUDGET. SO I THINK THE MOMENT NOW THAT WE ARE MOVING FUNDING AWAY TODAY FROM THE AUSTIN MUSIC NETWORK TO ACTV AND CONTEMPLATING A COMPLETELY DIFFERENT FUTURE THAT STILL PROMOTES AUSTIN MUSIC AND IDEALLY WITHOUT TAX DOLLARS BEING DONE, I THINK THIS IS A GOOD MOMENT AND I'LL SUPPORT THE AMENDMENT OR THE VOTE.

Goodman: MAYOR.

Mayor Wynn: MAYOR PRO TEM.

Goodman: BECAUSE I BELIEVE THAT WE AS COLLEAGUES SHOULD TRY TO LIVE TOGETHER WITHOUT TOO MANY T.J. JABS TO ENHANCE OUR OWN IMAGE AT OTHERS' EXPENSE, I'M NOT GOING TO RESPOND TO WHAT I JUST HEARD. BUT I WILL SAY THAT BECAUSE I'M NOT RUNNING AGAIN AND I

THINK I KNOW THAT SOME PEOPLE OUT THERE DISAGREE HEARTILY WITH WHAT I JUST HEARD.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: I GUESS I'LL CLOSE IT OUT.

Slusher: MAYBE.

Thomas: WE REALLY HAVE TO UNDERSTAND -- I'VE BEEN ON THIS COUNCIL SINCE 2000. AND I THINK THAT WE'VE MADE SOME GREAT DECISIONS. THAT SOMETIMES WHEN YOU MAKE DECISIONS, SOMETIMES THINGS DON'T PAN OUT LIKE IT IS. WE HAVE OTHER EXPENSE COME IN, OTHER THINGS MIGHT COME UP. WE MADE SOME DECISIONS IN THE '90'S -- I WASN'T HERE, BUT I'M ON THE COUNCIL NOW, SO I HAVE TO ACCEPT SOME OF THOSE DECISIONS WE MADE IN THE '90'S THAT WASN'T PRUDENT. BUT I'M NOT HERE TO POINT FINGERS AT ANYONE. I DO SAY THAT AUSTIN MUSIC NETWORK HAS CONTRIBUTED A LOT TO THIS COMMUNITY, HARD WORK, SHORT COMINGS, WE ALL HAVE THAT. BUT I THINK WHAT WE'RE TRYING TO DO AS THE MAYOR SAID AND THE CITY MANAGER, TRYING TO MOVE THAT WE CAN BENEFIT THE MUSIC NETWORK HERE IN AUSTIN, TEXAS. WE'RE KNOWN FOR THE CAPITOL CITY OF TEXAS, FOR THE MUSIC AND FOR THE WORLD. LET'S LOOK FORWARD. WE WON'T GO BACK AND GRAB SOMETHING THAT WE CAN'T FIX. LET'S MOVE TO THE NEXT LEVEL AND LET'S DO A POSITIVE LOOK AT WHAT WE'RE GOING TO TRY TO DO TODAY AND IN THE BUDGET RING AND DURING THE BUDGET TIME ALSO. LIKE THE MAYOR PRO TEM SAID, WE'VE ALL GOT TO WORK TOGETHER. WE'VE ALL GOT TO WORK TOGETHER, SO LET'S MOVE TO THE NEXT LEVEL. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER THOMAS. FURTHER COMMENTS? WE HAVE A MOTION AND A SECOND ON THE TABLE THAT'S BEEN AMENDED, A 3-POINT MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0. THANK YOU ALL VERY MUCH. COUNCIL, THAT'S ALL OF OUR DISCUSSION ITEMS. AT THIS TIME WITHOUT OBJECTION WE'LL GO INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY AGENDA ITEM 37 RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT, 38 RELATED TO MICHAEL KING ET AL VERSUS THE CITY OF AUSTIN, 39 RELATED TO S.R. RIDGE LIMITED PARTNERSHIP VERSUS THE CITY OF AUSTIN, AND POTENTIALLY TO DISCUSS REAL ESTATE MATTERS RELATED TO ITEM NUMBER 41, THE OLD AUSTIN RECREATION CENTER. WE ARE NOW IN CLOSED SESSION. AND WE'LL BE BACK PROBABLY A FEW MINUTES AFTER 2:00 TO BEGIN OUR BUDGET BRIEFINGS AND DELIBERATIONS. THANK YOU. >

WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE TOOK UP PRIVATE CONSULTATION FROM OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT. WE TALKED ABOUT ITEMS 37, RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT. 38, LEGAL ISSUES IN THE MICHAEL KING VERSUS CITY OF AUSTIN CASE, AND ITEM 39, LEGAL ISSUES REGARDING THE S.R. RIDGE LIMITED PARTNERSHIP LAWSUIT. NO DECISIONS WERE MADE. THERE BEING A QUORUM PRESENT, WE'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL AND TAKE UP OUR 2:00 O'CLOCK TIME CERTAIN, BUDGET BRIEFING. AND I WOULD NORMALLY RECOGNIZE THE CITY MANAGER, BUT I GUESS I CAN GO AHEAD AND RECOGNIZE POLICE CHIEF STAN KNEE.

GOOD AFTERNOON, MAYOR AND COUNCIL. I'D LIKE TO UPDATE YOU ON THE FIRST SIX MONTHS OF SERIOUS CRIME IN AUSTIN. FIRST OFF, LET ME REMIND THE COUNCIL AND THE COMMUNITY WHAT SERIOUS CRIME IS. SERIOUS CRIME IS THAT WHICH IS REPORTED TO BOTH THE STATE AND TO THE FEDERAL GOVERNMENT. WE CALL THAT A PART 1 INDEX CRIMES. THEY'RE IN TWO CATEGORIES, VIOLENT CRIME, WHICH CONSISTS OF RAPE, ROBBERY AND AGGRAVATED ASSAULT, AND PROPERTY CRIME. IN THE COMING MINUTES I WILL TALK ABOUT EACH ONE OF THOSE CRIMES TALKING ABOUT THE ISSUES RELATED TO EACH ONE. CRIME IN

AUSTIN JANUARY THROUGH JUNE OF 2004, OVERALL SERIOUS CRIME IS DOWN 1.671.67%. IN THE FIRST SIX MONTHS WE HAD 22,000 PART ONE CRIMES AS COMPARED TO 22,420 IN 2003. THE OVERALL DECREASE WAS DRIVEN BY A REDUCTION IN BURGLARIES AND BURGLARIES OF VEHICLES. I'D FIRST LIKE TO TALK ABOUT VIOLENT CRIME. OVERALL VIOLENT CRIME SHOWED APPROXIMATELY A 10% INCREASE. WE HAVE REPORTED 1690 VIOLENT CRIMES IN 2004 AS COMPARED TO 1534 IN 2003. THE DIFFERENCE, 156, REPRESENT ABOUT A 10% INCREASE IN THE FIRST SIX MONTHS OF THE YEAR. TALKING FIRST ABOUT HOMICIDES. WE HAVE REPORTED 16 HOMICIDES THE FIRST SIX MONTHS. THREE OF THOSE CASES OCCURRED PRIOR TO 2004. AND THE VICTIM HAS SINCE DIED IN THIS YEAR, SO IT'S COUNTED AS ONE OF OUR HOMICIDES FOR 2004. IN ACTUALITY, WE'VE HAD 13 HOMICIDES IN 2004. LOOKING AT THESE HOMICIDES, WE HAVE 12 THAT HAVE BEEN SOUGHT, THAT'S THE 92% CLEARANCE RATE. I DON'T THINK THERE'S A MAJOR CITY IN THE UNITED STATES THAT COMES CLOSE TO THAT. FOUR INVOLVED DOMESTIC VIOLENCE. EIGHT INVOLVED AN ACQUAINTANCE. THAT'S WHERE THE VICTIM AND THE SUSPECT KNEW EACH OTHER AT THE TIME OF THE CRIME. AND ONE CASE CONTINUES TO BE UNDER INVESTIGATION AND THE RELATIONSHIP IS UNKNOWN. TRAGICALLY, TWO OF THE VICTIMS WERE CHILDREN, 12 AND 13. ONE THE RESULT OF A DOMESTIC DISTURBANCE, THE OTHER THE RESULT OF AN ACQUAINTANCE COMMITTING THAT CRIME AGAINST A 13-YEAR-OLD. THERE WERE 135 RAPES REPORTED THROUGH JUNE OF 2004 AS COMPARED TO 104 IN 2003. WE'VE SEEN A DECREASE IN THE RAPES INVOLVING CHILDREN. ONE OF THE THINGS THAT WE LOOK AT IS THE RELATIONSHIP BETWEEN THE VICTIM AND THE SUSPECT. AND 71 -- IN 71% OF THE INCIDENTS, THE VICTIM KNEW THEY'RE ASSAILANT. ADDITIONALLY, 23%, THE VICTIMS HAD A BRIEF ENCOUNTER WITH THE ASSAILANT PRIOR TO THE CRIME BEING COMMITTED. THIS WOULD BE YOUR DATE RAPE CASES, MIGHT BE A SITUATION WHERE SOMEONE MET SOMEBODY IN A BAR OR AT ANOTHER GATHERING AND ULTIMATELY BECAME THE VICTIM OF A CRIME. IN FOUR% OF THE CASES THE ASSAILANTS WERE STRANGERS. THESE ARE THE TYPES OF CASES THAT TIRE FI COMMUNITIES. AND TWO PERCENT OF THE CASES, THE RELATIONSHIP IS UNKNOWN. WE'VE HAD

NO INDICATIONS OF ANY SERIAL RAPISTS ACTING IN RECENT MONTHS, WHICH IS GOOD NEWS. IN ADDITION TO THAT, WE HAVE LOOKED AT HISPANICS AS A GROUP BEING VICTIMIZED BY VIOLENT CRIME, AND I'M PLEASED THAT 39 HISPANIC VICTIMS IN 2004 AS COMPARED TO 49 IN 2003. ALTHOUGH THEY CONTINUE TO BE VICTIMIZED AT A VERY HIGH RATE. WE HAD 679 ROBBERIES SO FAR IN 2004 AS COMPARED TO 565 IN 2003. A DISTURBING TREND CONTINUES, AND THAT IS THE 50 TO 60% OF OUR ROBBERY VICTIMS ARE HISPANIC. STATISTICS SHOW THAT THROUGH THE FIRST THREE MONTHS -- ACTUALLY, THE FIRST TWO MONTHS OF THIS YEAR, WE HAD SIGNIFICANT DECLINES IN VICTIMIZATION OF HISPANICS; HOWEVER, IN MARCH, APRIL, MAY AND JUNE, THAT DECLINE REVERSED ITSELF AND WE'VE BEEN 50 AND 60% OVERALL IN THE FIRST SIX MONTHS. SOMETHING THAT AUSTIN HAS NOT FACED IN RECENT YEARS HAS BEEN THE FACT THAT MANY OF THE ROBBERIES WERE COMMITTED, IN FACT, TWO-THIRDS OF THE ROBBERIES WHEN ANALYZED WERE COMMITTED BY A HANDFUL OF PEOPLE, EITHER RELATED TO A GANG OR FROM TRADE-OFF INFORMATION ABOUT THE KIND OF ESTABLISHMENTS TO ROB. AS AN EXAMPLE, WE HAD ONE WEEK -- ACTUALLY, IT WASN'T EVEN A FULL WEEK, IT WAS A PARTIAL WEEK, WHERE FIVE YOUNG MEN COMMITTED 11 ROBBERIES IN AUSTIN. IN ADDITION TO THAT THEY COMMITTED SEVERAL IN TRAVIS COUNTY AS WELL AS A NUMBER OF OTHER CRIMES IN A VERY SHORT TIME SPAN BEFORE AUSTIN POLICE PATROL ARRESTED THEM. WE'VE HAD 30 BANK ROBBERIES AS COMPARED TO FOUR IN 2003. I WAS ASKED BY MY ROBBERY DETECTIVES NOT TO WISH THEM BAD LUCK BY SAYING WE HAVE NOT HAD A BANK ROBBERY SINCE JUNE NINE, SO I WON'T SAY THAT. BUT THE LAST ARREST OCCURRED AT A BANK ROBBERY ON JUNE NINTH. WE HAVE NOT HAD ONE SINCE THEN. ONE OF THE BY-PRODUCTS OF THIS STRING OF BANK ROBBERIES, WHICH IS VERY UNUSUAL FOR AUSTIN, WAS THE FACT THAT WE HAVE STRENG IN OUR RELATIONSHIP WITH THE BANKING INDUSTRY, WITH THE ASSISTANCE OF THE CITY MANAGER AND THE MAYOR. WE HAVE REALLY INCREASED THE COMMUNICATIONS BETWEEN THOSE ESTABLISHMENTS AND THE POLICE DEPARTMENT AND WE ARE GETTING INFORMATION OUT TO THEM ON SUSPICIOUS PERSONS AS WELL AS VIOLENT CRIMES. WE HAD 872 AGGRAVATED

ASSAULTS IN 2004 THROUGH JUNE AS COMPARED TO 850 IN 2003. 22% OF THE AGGRAVATED ASSAULTS IN 2004 WERE RELATED TO FAMILY VIOLENCE, ALTHOUGH ANY FAMILY VIOLENCE SITUATION IS UNFORTUNATE, I CAN TELL YOU THAT SEVERAL YEARS AGO THE PERCENTAGE OF OUR FELONY ASSAULTS WERE IN FACT FAMILY VIOLENCE, HOVERING RIGHT AROUND 50%. AS LATE AS 2001, IT WAS DOWN TO 40%. WE HAVE REALLY CUT THAT IN HALF, DOWN TO 22%. IN ONLY 34% OF THE AGGRAVATED ASSAULTS, THE VICTIMS DID NOT KNOW THEIR SALE LENTS, ALTHOUGH THAT IS UP FROM 29 IN EARLY 23. 10% OF THE AGGRAVATED ASSAULTS WERE COMMITTED AGAINST CHILDREN. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

ENFORCEMENTS EFFORTS FOCUSING MOSTLY ON GANGS AND BEGUN CRIME. WE HAVE INCREASED THE NUMBER OF DETECTIVES THAT HAVE BY LING GALLON CAPABILITIES IN ROBBERY AS WELL AS INCREASE THE NUMBER OF DETECTIVES ASSIGNED TO ROBBERY. IN ADDITION TO THAT, COMMANDER JACOBSON IS WORKING ON A PROGRAM IN WHICH DETECTIVES AND CENTRALIZED ASSIGNMENTS WILL BE ABLE TO LEARN SPANISH. IN AN IMMERSION PROGRAM, SO THAT WE CAN BETTER COMMUNICATE WITH VICTIMS OF CRIME. THE LAST ONE IS AREA COMMANDS ESTABLISHING ANTI-ROBBERY PROGRAMS. AS YOU KNOW WE DECENTRALIZED. ONE OF THE RESPONSIBILITIES OF THOSE COMMANDERS IS TO CREATE CRIME-FREE AREA COMMANDS. THEY HAVE BEEN WORKING DILIGENTLY TO DO THAT. A COUPLE OF EXAMPLES. DETAC INSTITUTED A MEET AND GREET PROGRAM WITH BUSINESS OWNERS. MOVING ALONG THE DOWNTOWN AREA. PATROL OFFICERS GOING IN, INTRODUCING THEMSELVES TO THE EMPLOYEES, TO THE OWNERS. TALKING TO THEM ABOUT HOW TO ENSURE THAT THEIR BUSINESS IS LESS LIKELY A VICTIM. ALSO JUST GETTING TO KNOW THE FOLKS BETTER. CENTRAL EAST, WE HAVE USED BIKE AND FOOT PATROL IN AREAS WHERE IMMIGRANTS WERE KNOWN TO BE VICTIMS OF ROBBERY. THIS HAS BEEN HIGHLY SUCCESSFUL. NOT ONLY IN -- IN STOPPING THE ROBBERIES, BUT IN ALSO IDENTIFYING CRIMES IN THAT AREA OUTSIDE OF ROBBERIES. IN THE NORTHEAST, WE HAVE USED DIRECTED PATROL IN AREAS WITH -- BASED UPON GUN VIOLENCE DATA AND THOSE HOT

SPOTS HAVE BEEN COOLED. ONE OF THE THINGS THAT I WOULD LIKE TO JUST MENTION BRIEFLY IS THAT THE DISTRICT ATTORNEY HAS ALSO JOINED US ON THIS BATTLEFIELD, IN THE PAST SEVERAL YEARS HE HAS BEGUN THE PROCESS OF ASSIGNING D.A.'S TO WORK WITH OUR AREA COMMANDERS. DOWNTOWN, NORTHEAST, CENTRAL EAST, NORTH CENTRAL, SOUTH CENTRAL. THESE D.A. LEARN THE PROGRAMS OF THE AREA COMMANDS. IF WE HAVE A PARTICULAR INDIVIDUAL THAT IS TROUBLESOME TO THOSE AREA COMMANDS COMMITTED THE CRIMINAL ACTS, THEY CAN HELP FOCUS ON THOSE INDIVIDUALS AND HOLD THEM ACCOUNTABLE. WITH REGARD TO OUR SEXUAL -- OUR SEX OFFENDER APPREHENSION AND REGISTRATION, WE WILL BEGIN IN THE NEXT 30 DAYS, ACTUALLY LESS TIME THAN THAT, PRIOR TO THE BEGINNING OF SCHOOL, TO DO RESIDENCY CHECKS ON THOSE THAT ARE REQUIRED BY LAW TO REGISTER AT SEX OFFENDERS. ONE OF THE RESEARCHERS HAS SHOWN THOUGH THOSE WHO MOVE ABOUT WITHOUT REREGISTERING, CHANGE THEIR ADDRESS WITHOUT REREGISTERING TEND TO COMMIT OTHER CRIMES. SO PRIOR TO SCHOOL BEGINNING WE WILL BE CHECKING OVER 700 SEX OFFENDERS WHO ARE REQUIRED TO REGISTER AND ENSURE THEY ARE LIVING WHERE THEY REGISTER OF THE. WE WILL CONTINUE OUR EMERGENCY HOME VISITS TO REDUCE FAMILY VIOLENCE. THIS PROGRAM IS WHERE OFFICERS ARE NOTIFIED THAT THEY HAVE A WIFE AND A FAMILY IN THEIR PATROL AREA THAT HAS BEEN SUBJECT TO VIOLENCE IN THE DOMESTIC VIOLENCE SITUATION. THERE'S A RESTRAINING ORDER AGAINST THE OFFENDING PARTY, THEY WILL MAKE PERIODIC CHECKS AT THAT HOME BECAUSE WE KNOW IN MANY INSTANCES THESE OFFENDERS RETURN TO THOSE HOUSES AND COMMIT FURTHER ACTS. SO WE HAVE STARTED THIS PROGRAM, APPROXIMATELY 18 MONTHS AGO, IT HAS RESULTED IN ARRESTS AND IT IS DEFINITELY -- IT HAS DEFINITELY SAVED LIVES AND CERTAINLY REDUCED THE POSSIBILITY OF VIOLENT CRIME OCCURRING IN THAT HOUSE. A PROGRAM THAT WE ARE GOING TO BE INITIATING VERY SOON IS THAT WHEN WE HAVE CHILD ABUSE CASES, NORMALLY WHAT HAPPENS IS THAT THE COURT WILL DESIGN A SAFETY PROGRAM FOR THAT CHILD. FOR THAT FAMILY. AND IN MANY INSTANCES, IN ALMOST ALL OF THE INSTANCES, THE

OFFENDING ABUSER IS SENT OUT OF THE HOME AS PART OF THAT SAFETY PROGRAM. WELL, AS WE KNOW FROM DOMESTIC VIOLENCE, MANY OF THESE INDIVIDUALS COME BACK TO THE HOUSE. SO WE WILL BE VISITING, FOLLOWING UP WITH THESE FAMILIES TO ENSURE THAT THAT DOES NOT HAPPEN. AND ENSURE THAT THE SAFETY PROGRAM FOR THOSE CHILDREN ARE END FORCE -- IN FORCE AND BEING FOLD. FOLD -- BEING FOLLOWED. THE LAST THING WHEN YOU LOOK AT DATE RAPE, ESPECIALLY AMONG YOUNG PEOPLE, WHEN YOU LOOK AT MANY OF OUR ASSAULTS, WHAT WE ARE SEEING IS ALCOHOL AS A FACTOR. WE WILL STRICTLY ENFORCE LAWS REGARDING SALE AND CONSUMPTION OF ALCOHOL TO A MINOR AND IN FACT AS SCHOOL BEGINS, SO BEGINS OUR -- OUR DECOY OPERATIONS WITH BUSINESSES THAT -- THAT ARE REPORTED TO US AS SELLING ALCOHOL TO MINORS. THE SECOND HALF OF MY PRESENTATION IS ON PROPERTY CRIME, THAT'S BURGLARY, THEFT AND AUTO THEFT. BUT I WOULD LIKE TO PAUSE HERE TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE WITH REGARD TO VIOLENT CRIME.

THANK YOU, CHIEF, COUNCILMEMBER MCCRACKEN?

McCracken: I WANT TO FIRST TURN TO THE MURDER STATISTICS. YOU SHOWED THAT THERE WERE 16 HOMICIDES THROUGH JUNE OF 2004 COMPARED TO 14 IN 2003. IS THAT 14 THROUGH JUNE OF 2003?

YES, WE HAD 14 HOMICIDES THROUGH 2003. THIS YEAR, ACCORDING TO THE UNIFORM CRIME REPORTING, WE WILL REPORT 16. BUT IN REALITY THREE OF THOSE PERSONS WERE -- WERE ASSAULTED. ONE SEVERAL YEARS PRIOR TO - - TO '04 AND THEY HAVE JUST SINCE PASSED.

I WAS MAKING SURE THAT WE WERE NOT SAYING 14 MURDERS IN ALL OF 2003 VERSUS 16.

OH, NO, NO.

OKAY. AND DO WE KNOW FOR THE 14 THAT WERE DONE IN -- COMMITTED IN 2003 THROUGH JUNE OF 2003 HOW ANY OF THOSE WERE ATTACKS THAT HAD HAPPENED AT SOME

POINT PRIOR TO JANUARY 1 OF 2003?

NO. BUT I CAN GET THAT INFORMATION FOR YOU.

I MEAN GIVE US THE BEST APPLES TO APPLES COMPARISON.

WE ALWAYS HAVE AT LEAST ONE OR TWO. THAT WOULD BE A SAFE BET.

McCracken: YEAH. I MEAN, THIS IS -- LIKE WHEN WE ARE TRYING TO FIGURE OUT IF WE ACTUALLY HAVE A STATISTICALLY SIGNIFICANT INCREASE IN CRIME, AT LEAST IT WOULD APPEAR HOMICIDES, HOMICIDES ARE FLAT. WOULD THAT BE ACCURATE, IN YOUR OPINION?

UNFORTUNATELY, THAT'S CORRECT, WE WOULD LIKE TO SEE THEM GO DOWN.

THEN -- THEN -- YOU MENTIONED AN ISSUE ABOUT A GANG -- ABOUT SOME GANGS PERHAPS BEING INVOLVED IN ROBBERIES AND OTHER CRIMES. IN YOUR OPINION, ARE WE SEEING AN INCREASE IN GANG CRIMES IN AUSTIN, LIKE HAS BEEN EXPERIENCED IN OTHER TEXAS CITIES WITH PRISON GANGS?

I THINK SO. I HAVE SOME -- I HAVE SOME DATA HERE, LET ME JUST FIND IT REAL QUICK. WHAT WE HAVE SEEN IS AN INCREASE OF ABOUT 25% IN THE FOR PERSONS PATROLLED TO TRAVIS COUNTY. IN 2003-2004 THAT'S ABOUT 25% ABOVE THE NUMBER WE HAD BEEN ROLLED INTO 2002. ALSO AT LEAST A MINIMUM OF A 20 TO 25% INCREASE AND -- IN -- IN REPORTS TAKEN WITH GANG MEMBERS INVOLVED. IN SOME INSTANCES WHAT WE WERE SEEING IS GANG MEMBERS WHO WERE SENT AWAY TO PRISON IN THE 90s ARE NOW BEING PATROLLED BACK TO THE COMMUNITY.

McCracken: SO I UNDERSTAND CORRECTLY THEN, WE'RE SEEING AN INCREASE IN GANG VIOLENCE UP TO 20 TO 25% THROUGH THE FIRST SIX MONTHS OF THIS YEAR.

WHAT WE ARE SEEING IS THAT'S REPORTED CRIME INVOLVING KNOWN GANG MEMBERS. YES.

THEN ALSO WHEN YOU MENTIONED THERE'S BEEN AN INCREASE BY 25% THE NUMBER OF PAROLEES WHO ARE BEING RELEASED INTO THE AUSTIN COMMUNITY, DO YOU HAVE ANY BREAK DOWN OF HOW MANY OF THOSE ARE -- ARE PEOPLE PAROLED FOR VIOLENT CRIMES VERSUS SOMETHING MORE MINOR, SUCH AS DRUG POSSESSION.

I CAN GET YOU THAT NUMBER. I CAN GET YOU, ALSO, A NUMBER HOPEFULLY THAT WE ARE BEGINNING TO TRACK THAT -- THAT SOME IN SOME INSTANCES PAROLEES FROM OTHER AREAS OF THE STATE ARE COMING HERE TO TRAVIS COUNTY AND WE HAVE SEEN AN INCREASE IN THAT, ALTHOUGH AT THIS POINT THE INCREASE ISN'T SIGNIFICANT. BUT WE HAVE SEEN AN INCREASE. I CAN GET YOU THE BREAKDOWN BETWEEN PROPERTY CRIMES AND VIOLENT CRIMES.

McCracken: DO YOU HAVE ANY QUANTIFICATION OF -- OF WHAT SORT OF UPTICK IN PURE NUMBER THAT'S WE HAVE SEEN, PAROLEES CHOOSING TO MOVE TO AUSTIN WHO HAVE COME FROM OTHER PARTS OF THE STATE ORIGINALLY.

I CAN GET YOU THOSE NUMBERS. WHAT I CAN TELL YOU IS THAT THERE IS AN INCREASE IN THE NUMBER OF PEOPLE WHO HAVE BEEN SENTENCED TO STATE PRISON FROM OTHER COUNTIES AND PAROLED BACK TO TRAVIS COUNTY.

McCracken: THE -- IS -- HAS THERE BEEN AN INCREASE -- IS THE STATE DEPARTMENT OF CRIMINAL JUSTICE STARTING TO RELAX ITS PATROL POLICIES AND RELEASE PEOPLE EARLIER?

I SAY THAT WE HAVE INCREASED -- THE INCREASE THAT WE SAW IN 2003 HAS CONTINUED, IT APPEARS TO BE CONTINUED IN 2004, WE ARE SEEING MORE PEOPLE BEING RELEASED BACK TO TRAVIS COUNTY ON PAROLE. AND OF COURSE 2002 WAS A VERY TOUGH BUDGET YEAR FOR THE CITY AS WELL AS THE STATE. AND -- WHEN THAT BEGAN.

McCracken: DO YOU HAVE I -- ANY INDICATION, THOUGH, THAT THE STATE IS LETTING PEOPLE OUT SOONER THAN IT USED TO FROM THE PRISON SYSTEM? IN OTHER WORDS THAT

THEY ARE SERVING LESS TIME FOR CRIMES OR LESS -- LESS OF A PROPORTION OF THEIR SENTENCE THAN THEY WERE, EVEN A FEW YEARS AGO?

NO, I DON'T.

McCracken: ARE WE JUST SEEING --

IT'S POSSIBLE, BUT I DON'T KNOW THE ANSWER.

McCracken: ALL THAT WE KNOW WE ARE GETTING A LOT MORE PAROLEES MOVING INTO THE AUSTIN AREA OVER THE LAST YEAR AND WE ARE ALSO SEEING AN INCREASE IN VIOLENT CRIME, RIGHT? CORRECT.

McCracken: ALSO A BIG INCREASE IN GANG VIOLENCE, 25% INCREASE OF PAROLEES MOVING TO THE AUSTIN AREA.

WE ARE SEEING A LOT MORE INVOLVEMENT OF GANG MEMBERS INVOLVED IN CRIMINAL MISCONDUCT.

DO WE SEE ANY ORGANIZED ACTIVITY IN PRISON GANGS OPERATING IN THE OUTSIDE IN AUSTIN NOW?

AS YOU KNOW, AUSTIN WORKING WITH THE F.B.I. HAS MADE OVER THE LAST THREE OR FOUR YEARS A NUMBER OF LARGE ARRESTS OF -- OF ORGANIZED CRIMINAL GANG ELEMENTS. SO -- SO WHILE IT'S -- WHILE IT'S OF CONCERN TO US, I THINK THAT WE HAVE DONE A GOOD JOB WITH FEDERAL LAW ENFORCEMENT IN CURTAILING THAT PART OF -- OF THE CRIMINAL ELEMENT THAT LIVES IN THE CITY.

McCracken: ARE YOU TALKING ABOUT THE PRISON GANGS OR JUST GANGS IN GENERAL IF.

PRISON GANGS.

ONE OF THE ---- ONE OF THE BIG ISSUES OTHER THAN MURDER IS VIOLENT CRIME REQUIRES THE VICTIM TO REPORT THE CRIME. HAS THERE BEEN ANY CHANGE IN CAPABILITIES, AT A.P.D., IN TERMS OF -- OF -- OF OBTAINING CRIME REPORTS OR WORKING, BUILDING MORE COMMUNITIES, SO THAT WE MIGHT SEE SOME INCREASE IN

CRIME REPORTING DUE TO -- DUE TO STRONGER OUTREACH BY THE POLICE DEPARTMENT?

WELL, WE THINK THAT WE THINK THAT WE DO A VERY, VERY GOOD JOB IN WORKING WITH NON-PROFIT VICTIM SERVICES, COMMUNITY BASED VICTIM SERVICES PROGRAMS. AS YOU KNOW, FOR INSTANCE, RAPE IS CONSIDERED TO BE THE MOST UNDERREPORTED VIOLENT CRIME OF ALL OF THE CRIMES THAT WE HAVE TALKED ABOUT. AND TO SEE AN INCREASE IN REPORTING IS IN FACT TO SOME DEGREE, I THINK, A MEASURE OF -- OF OUR WILLINGNESS TO TREAT THAT CRIME AS IT SHOULD BE TREATED. WE ARE IN CONSTANT TOUCH WITH THE RAPE HOTLINE, WITH FAMILY ABUSE ORGANIZATIONS, BECAUSE MANY OF THE RAPES COME OUT OF FAMILY RELATIONSHIPS AND -- AND -- AND MY BELIEF IS THAT SOME OF THE THINGS THAT WE HAVE TRIED TO DO OVER THE PAST FOUR TO FIVE YEARS HAS INCREASED THE -- THE OPENNESS BY WHICH WE -- WE HANDLE THOSE CALLS. AND -- AND I CAN TELL YOU THAT THE HORRIBLE CRIME THAT WAS COMMITTED AGAINST A YOUNG MAN, JUST -- JUST DAYS AGO, WHERE -- WHERE NOT ONLY DID HE REPORT IT, BUT HE AND HIS FRIENDS PARTICIPATED IN HELPING US APPREHEND THE SUSPECT. I THINK THAT IT ILLUSTRATES THE FACT THAT -- THAT PEOPLE COME TO US. AND OF COURSE ON THE OTHER HAND, WE HAVE ALSO GOT A LARGELY RECENTLY ARRIVED IMMIGRANT GROUP THAT WE BELIEVE WE'VE SPENT A TREMENDOUS AMOUNT OF TIME ENCOURAGING THEM TO REPORT CRIME. AND WE BELIEVE THAT THE UPSURGE IN ROBBERIES IS BASED UPON THESE -- THESE VICTIMS RECENTLY ARRIVED IMMIGRANTS COMING FORWARD AND WORKING WITH US.

THAT'S -- THAT'S AN IMPORTANT POINT BECAUSE IN ASSESSING WHETHER WE HAVE -- WHETHER WE HAVE A GROWING CRIME, VIOLENT CRIME PROBLEM IN THE COMMUNITY, PART OF THIS IS FIGURING OUT WHETHER WE ARE DOING A BETTER JOB OF FINDING THE VICTIMS WHO ARE ALWAYS OUT THERE BUT WE DIDN'T KNOW ABOUT IN THE PAST, WE ARE JUST DOING A BETTER JOB NOW OF REACHING OUTS TO THE COMMUNITY AND DISCOVERING THAT THERE'S A CRIME PROBLEM THAT WE WERE PREVIOUSLY OBLIVIOUS TO. DO YOU THINK THAT'S ONE OF

THE THINGS THAT'S GOING ON --

I THINK CERTAINLY IN THE AREA OF ROBBERY, THREE YEARS AGO, WHEN WE TALKED ABOUT ROBBERY, AS A CRIME HERE IN AUSTIN, WE TALKED ABOUT THE FACT THAT WE FELT THAT THERE WAS LITERALLY HUNDREDS OF -- OF STREET ROBBERIES COMMITTED AGAINST RECENTLY ARRIVED IMMIGRANTS THAT WAS NOT BEING REPORTED. AND THAT WE WERE GOING TO DO SOMETHING ABOUT THAT. ASSISTANT CHIEF RUDY LANDEROS WORKED VERY DILL LENTLY, AS WELL AS -- DILIGENTLY, AS WELL AS OUR COMMUNITY LIAISON, ACTUALLY AMIGOS AND AZULS, SO THAT THEY FEEL MORE COMFORTABLE REPORTING THOSE CRIMES. I THINK 50 TO 60% OF OUR VICTIMS IS HISPANIC IS TELL TALE OF THE FACT THAT WE HAVE BEEN DOING THAT OUTREACH.

THERE'S A -- WE HEARD EARLIER TODAY THERE'S BEEN A LOT OF MEDIA REPORTS ON A -- ON AN ISSUE. THERE'S A -- THERE'S A -- AN INSTANCE THAT THERE'S SOME -- SOME SERIAL CRIMINAL IN THE COMMUNITY THROWING KITTENS ON THE INTERSTATE. AND WE ALL KNOW WHAT THAT PORTENDS ABOUT THE FUTURE VIOLENCE OF THIS PERSON TOWARDS PEOPLE IN THE FUTURE, AS WELL AS THE VIOLENCE ITSELF. CAN I DESCRIBE WHAT WE HAVE IN POLICING TO HELP TRACK SOMETHING LIKE THIS, FIND OUT WHERE THIS PERSON IS GETTING ALL OF THESE KITTENS, HOW TO PUT A STOP TO IT?

WELL, CLEARLY THE ONLY WAY WE ARE GOING TO PUT A STOP TO IT IS WHEN SOMEBODY ON THE FREEWAY SEES SOMEBODY TOSS A SMALL HELPLESS ANIMAL OUT ON TO THE FREEWAY AND JOTS DOWN THAT LICENSE NUMBER AND CALLED US ON 911 TO REPORT THAT CRIME IMMEDIATELY. WE DO NOT HAVE AN OFFICER EVERY HALF OR QUARTER MILE IN WHICH WE WOULD SEE IT. IF WE SEE IT, IT'S PURE LUCK. BUT THERE'S SOMEBODY FOLLOWING BEHIND THAT CAR WHEN HE -- WHEN HE TOSSES THOSE POOR INNOCENT ANIMALS OUT. THEY NEED TO SEE IT, THEY NEED TO BE AWARE OF IT, THEY NEED TO DO SOMETHING ABOUT IT, GET THE LICENSE NUMBER, DESCRIPTION OF THE VEHICLE AND CALL 911. NOT 311. BUT 911 AND REPORT THAT ACT. THAT IS HOW WE ARE GOING TO BE ABLE TO STOP THIS. AND THEN

I'M CERTAIN THAT THE COURT SYSTEM WILL HOLD THAT PERSON FULLY ACCOUNTABLE FOR THOSE ACTS. RECENTLY HAD -- HAD A NUMBER OF INSTANCES WHERE SMALL ANIMALS WERE BEING HURT IN NORTHWEST AUSTIN. AND I CAN'T TELL YOU THAT LITERALLY HOURS -- HUNDREDS OF HOURS AND INVESTIGATIVE TIME SPENT WORKING ON THAT CASE. I BELIEVE WE BECAME VERY CLOSE TO IDENTIFYING THAT SUSPECT, WE WERE NOT ABLE TO PROPERLY PRESENT A CASE BEFORE THE PROSECUTOR.

I THINK THERE MAY BE ONE OTHER ELEMENT OF THIS PARTICULAR CRIME AS OPPOSED TO THE INCIDENT THAT YOU REFERRED TO IN NORTHWEST AUSTIN, THE PERSON KILLING CATS AND DEER. PERSON OR PERSONS. THAT IS IN THIS SITUATION IS -- SOMEONE IS SOMEHOW OBTAINING LOTS OF KITTENS. WHAT I'M TRYING TO FIGURE OUT IF THERE IS SOME CAPACITY WITHIN THE DEPARTMENT TO FIND OUT WHERE SOMEONE WOULD GET A BUNCH OF CANKITTENS. DO WE HAVE THE KIND OF COORDINATION THROUGH THE ANIMAL CENTER AND THE HUMANE SOCIETY AND OTHER ORGANIZATIONS.

I THINK THAT'S AN AREA THAT WE HADN'T THOUGHT OF. THAT'S AN AREA THAT YOU BROUGHT UP THAT I THINK WE NEED TO EXPLORE THAT. EVEN GO SO FAR AS PERHAPS -- CALLING PEOPLE WHO HAVE HAD CLASSIFIED ADS FOR KITTENS. WE COULD EXPLORE THAT, THAT'S A GOOD SUGGESTION.

WE HAVE ALSO HAD A BIG INCREASE, OR AN INCREASE, AT LEAST AS I UNDERSTAND IT, IN TRAFFIC DEATHS THIS YEAR ANY TIME ANYONE IS THROWING SOMETHING ON THE HIGHWAY, IN ADDITION TO IT BEING AWFUL BY ITSELF, IT ALSO INCREASES THE DANGER FOR MOTORISTS. DO YOU -- IN SHORT, DO YOU SEE -- DO YOU SEE MAINLY WHAT'S GOING ON HERE, DO YOU DETECT ANY TRUE CRIME TREND AS OPPOSED TO ABERRATIONS OR BLIPS OR BETTER REPORTING? ANY CRIME TRENDS?

I THINK CLEARLY THE ONE THAT WE WANT TO NIP IN THE BUD IS THE ORGANIZED GROUPS COMMITTING ROBBERIES. WHAT OUR ANALYSIS OF THOSE THAT WE HAVE APPREHENDED AT THIS POINT IS THAT THEY ARE EITHER ON

PROPER BIGGS OR PAROLE. PROBATION OR PAROLE. THEY ARE YOUNG. SMART ENOUGH TO -- TO BORROW CARS, NOT DRIVE THEIR OWN. BUT THEY -- THEY LEAVE TELL TALE FORENSICS EVIDENCE, SO I THINK THAT WE HAVE TO DO A BETTER JOB AT -- AT FOCUSING ON THOSE CRIMINAL ELEMENTS FOR -- BEFORE THEY COMMIT 15 OR 20. BECAUSE AS YOU KNOW, SIR, THAT -- BEING A PROSECUTOR, THAT OFTENTIMES GROUPS BECOME MORE BRAZEN, THEY ACT MORE AGGRESSIVE TO THE VICTIMS AS THEY COMMIT MORE -- THEY COMMIT MORE ROBBERIES. WE'VE HAD A COUPLE IN -- IN OUR SITUATIONS WHERE THEY WERE ARRESTED, WE FELT, PERHAPS JUST BEFORE THEY HAD COMMITTED TO REALLY HURTING SOMEBODY IN A ROBBERY. I THINK THAT IS WHERE WE ARE GOING TO PLACE A LOT OF EMPHASIS OVER THE NEXT SIX MONTHS, THE NEXT YEAR, TO ENSURE THAT THIS IS NOT A TREND THAT IS GOING TO BE A PERMANENT FIXTURE IN AUSTIN.

ARE YOU SEEING A -- AN INCREASED STATE-WIDE IN GANG VIOLENCE, ORGANIZED CRIME VIOLENCE? IN OTHER WORDS, IS THIS SOMETHING THAT'S -- THAT WE ARE EXPERIENCING UNIQUELY IN AUSTIN, OR IS THERE A GENERAL TREND STATE-WIDE AND WE ARE GETTING CAUGHT UP IN IT.

I THINK THAT YOU COULD ALMOST SAY IN THE CONVERSATIONS WITH OTHER CHIEFS THAT IT'S NATIONWIDE. AS YOU KNOW, MOST STATES BUILT LOTS OF PRISONS IN THE 80s AND 90s IN RESPONSE TO VIOLENT CRIME REACHING ALL-TIME HIGHS, THAT MANY OF THE INDIVIDUAL THAT WERE SENT TO PRISON DURING THIS PERIOD OF TIME ARE NOW BEING LITERALLY DUMPED ON TO THE STREET WITH \$40 IN THEIR POCKET, 50 BUCKS IN THEIR POCKET FROM THE PRISON SYSTEM. NO HALFWAY HOUSES TO GO TO. AND WE ARE IN ESSENCE PAYING A BIT OF A PENALTY FOR THAT. BUT I WILL SAY THAT WE ARE LUCKY HERE IN AUSTIN, AND IN TRAVIS COUNTY, THAT THE -- BOTH THE PROBATION DEPARTMENT AND PAROLE DEPARTMENT HERE HAVE WORKED EXTREMELY CLOSE WITH US. IN FACT MANY OF OUR ARREST WAS REGARD TO VIOLENT CRIMES, THE TIP WAS FROM A PAROLE OFFICER OR FROM A PROBATION OFFICER THAT CONTACTED ONE OF OUR LIAISONS WITH THOSE ORGANIZATIONS. SO -- SO WE DO GET

GOOD COOPERATION FROM THEIR LINE PERSONNEL.

SO CHIEF KIND OF TO SUM UP THEN, WE HAVE A BUNCH OF DATA HERE AND IN TERMS OF -- IN TERMS OF WHAT ALL THAT MEANS IN TERMS OF -- OF A -- OF WHERE THE PROBLEM IS, AS I UNDERSTAND IT THEN, THE -- THE UPTICK IN CRIME WE'VE SEEN PARTICULARLY IN VIOLENT CRIME CAN LARGELY BE ATTRIBUTED TO THREE REASON, ONE OF WHICH IS THAT WE'VE HAD A SIGNIFICANT INCREASE IN THE NUMBER OF PAROLEES MOVING INTO THE AUSTIN AREA IN THE LAST YEAR. THAT WE HAVE SEEN AN UPTICK IN GANG VIOLENCE, ORGANIZED CRIME VIOLENCE, WHICH SEEMS TO BE A GROWING PROBLEM ALL OVER THE COUNTRY. FINALLY, THAT THE -- THAT THE POLICE DEPARTMENT'S OUTREACH EFFORTS IDENTIFYING VULNERABLE COMMUNITIES THAT MAY HAVE BEEN VICTIMS OF CRIME FOR YEARS, WHICH WE DIDN'T KNOW ABOUT, THAT THIS IS PRODUCING A -- AN INFLATION OF CRIME STATISTICS, DOING A BETTER JOB OF IDENTIFYING VICTIMS. IS THAT ACCURATE?

I THINK THAT'S AN ACCURATE AS ONE COULD SAY.

McCracken: THANKS, CHIEF, I APPRECIATE ALL THAT YOU TOO.

I WOULD LIKE TO MOVE QUICKLY THROUGH --

Goodman: COUNCILMEMBERS, COUNCILMEMBERS?

I'M SORRY.

Goodman: COUNCILMEMBER SLUSHER?

Slusher: CHIEF, FIRST I WANTED TO SAY I REALLY APPRECIATE THE ATTENTION THE DEPARTMENT FOCUSES ON THE PROBLEM OF IMMIGRANTS BEING PREYED ON BY THE CRIMINAL ELEMENT. I THINK THAT SPEAKS REALLY WELL FOR THE DEPARTMENT AS WE KNOW AS ACKNOWLEDGED BY PRESIDENT FOX OF MEXICO, ALSO WHEN I WENT TO THE NATIONAL NIGHT OUT TOUR THE OTHER NIGHT, I WAS REALLY IMPRESSED WITH THE COMMUNITY POLICING AND ACTION IN PARTICULAR, TALKING TO SOME OF THE RANK AND FILE OFFICERS. SO IF YOU COULD PASS THAT ALONG I

WOULD APPRECIATE IT. I REALLY JUST HAD ONE QUESTION. THERE WAS RECENTLY A SEXUAL ASSAULT IN GARRISON PARK. I WOULD LIKE, IF YOU COULD, SPEAK TO HOW THE DEPARTMENT COORDINATES WITH THE PARKS POLICE IN PROVIDING PROTECTION -- I KNOW THAT WE APPREHENDED A SUSPECT ALREADY. I WAS GLAD TO SEE THAT. BUT AS FAR AS PREVENTING THIS AND PROTECTING OUR CITIZENS WHILE THEY ARE IN THE PARKS, COULD YOU SPEAK TO THAT?

YES.

MOST MOST ALL UNDERSTAND KNOW, PARKS AND RECREATION HAVE A SMALL UNIT OF LAW ENFORCEMENT OFFICERS AND -- AND THEIR ROLE IS TO -- TO PROVIDE SAFE AND SECURE PARKS AND -- IN OPEN AREAS WITHIN THE CITY. WE ARE IN FACT THE INVESTIGATIVE CRIME WITH THEM. IF THEY DON'T HAVE ANYTHING AVAILABLE, WE OF COURSE SEND PATROL OFFICERS INTO THOSE PARKS. THEY ARE A VERY TALENTED GROUP OF INDIVIDUALS, WE WORK CLOSELY WITH THEM WITH REGARD TO EXCHANGING INFORMATION. I THINK A GOOD EXAMPLE IS SEVERAL YEARS AGO WHEN HE A RAPIST -- WE HAD A RAPIST, AN INDIVIDUAL WHO COMMITTED A SERIOUS CRIME AT TOWN LAKE. A PARK POLICE OFFICER NOTICED A SUSPICIOUS VEHICLE THAT BELONGED TO A CONSTRUCTION WORKER, PASSED THAT ON TO A.P.D. AND ULTIMATELY THAT LED TO THE APPREHENSION OF THAT SUSPECT. THAT IS A VERY CLOSE ASSOCIATION WITH THE POLICE.

OBVIOUSLY THE CRIMES OCCUR SOMETIMES DESPITE THE BEST SURVEILLANCE AND PROTECTION. BUT YOU FEEL WE HAVE AN ADEQUATE SITUATION THERE AS FAR AS PROTECTING FOLKS IN THE PARK?

I THINK WE DO. I THINK IN ANY WAY THERE'S ALWAYS ROOM FOR IMPROVEMENT. BUT CLEARLY I THINK THAT -- THAT IF YOU LOOK AT WHAT OCCURS IN THE PARKS IN AUSTIN AS OPPOSED TO SOME OF THE OTHER CITIES, OUR PARKS ARE USED BY FAMILIES AND THEY USE THEM BECAUSE THEY ARE SAFE. I THINK THAT'S THE REPUTATION, THAT'S THE REALITY OF IT. I THINK THAT PARK POLICE ARE QUICK TO JUMP ON ISSUES BEFORE THEY BECOME SIGNIFICANT. IF THEY NEED

HELP, WE ARE RIGHT THERE ALONGSIDE OF THEM.

THANKS, CHIEF, THAT'S ALL THAT I HAVE FOR NOW, MAYOR PRO TEM.

THANK YOU. ANY OTHER QUESTIONS BEFORE WE GO BACK TO THE CHIEF? COUNCILMEMBER THOMAS?

JUST ONE QUICK, CHIEF. SO YOU CAN GET TO YOUR PROPERTY CRIMES. ON YOUR GANG ACTIVITY, WOULD YOU SAY THAT IT'S -- THAT IT'S NEW GANG ACTIVITY OR JUST -- OR JUST EXISTING GANG ACTIVITIES. IF YOU WILL JUST GIVE ME A REPORT ON THAT AND ALSO THE DRUG ACTIVITY IN THE CITY OF AUSTIN AND -- AND ALSO -- ON YOUR HOMICIDES, AND -- IN SOLVING SOME OF YOUR HOMICIDE CASES, WHAT PERCENTAGE OF YOUR FORENSICS CENTER HELP YOU SOLVE SOME OF THESE HOMICIDES?

I CAN ANSWER THAT RIGHT OFF THE TOP OF MY HEAD, ALL OF THEM. AND -- AS YOU KNOW, COUNCILMEMBER THOMAS HAVING BEEN A POLICE OFFICER FOR SO MANY YEARS, THAT EYEWITNESS ACCOUNT IS NOT ALWAYS YOUR BEST EVIDENCE, THAT FORENSICS IS IN FACT YOUR STABLE -- STABLE AS FAR AS EVALUATING THE EVIDENCE, WE HAVE BEEN EXTREMELY LUCKY, IN FACT I BELIEVE THIS YEAR WE WILL SOON ANNOUNCE THE SOLVING OF -- OF AT LEAST ONE OR TWO COLD CASES THAT WERE SOLVED AS A RESULT OF -- OF A REANALYSIS OF EVIDENCE. IN COLD CASES. BUT THE FORENSICS IS THE FUTURE OF LAW ENFORCEMENT. OUR ABILITY TO COLLECT EVIDENCE AT CRIME SCENES IS CRITICAL FOR THAT WHOLE PROCESS TO BEGIN.

IN DOING THAT, THAT MEANS THAT WE NEED TO CONTINUE TO PUT EMPHASIS -- WOULD YOU SAY -- I'M GOING TO PUT YOU ON THE SPOT A LITTLE BIT, BUT AS FAR AS YOUR -- YOUR FORENSIC UNIT, ARE WE PRETTY WELL ADEQUATE WITH EMPLOYEES TO DO WHAT WE NEED TO DO? THE REASON I ASK THIS, I'M LOOKING AT GANG ACTIVITY, DRUG ACTIVITY THAT'S -- THAT YOU WERE TALKING ABOUT YOUR GANG ACTIVITIES RISING A LITTLE BIT. THAT GANG ACTIVITY MIGHT BE MORE HOMICIDES, WE DON'T WANT TO SAY THAT. DO YOU THINK THAT WE HAVE ENOUGH PEOPLE, PERSONNEL, ADEQUATE TO DO WHAT WE NEED TO HAVE

DONE? KNOWING THAT THIS CITY IS GROWING TOO, ALSO?
ANNEXING EVERY DAY, SO --

WHAT WE ARE DOING, AS YOU KNOW, THE FOREIGN SICK CENTER JUST RECENTLY OPENED, WE ARE GOING THROUGH THE ACCREDITATION PROCESS. WE'VE HAD OUR FIRST INSPECTION RECENTLY, I GUESS IT'S A PREACCREDITATION INSPECTION, WE DID VERY, VERY WELL. ONCE WE GET THE FORENSIC CENTER FULLY ACCREDITED, WE WILL BEGIN THE PROCESS OF -- OF IMPLEMENTING THE VISION IN WHICH OUR FORENSIC CENTER WILL ASSIST CENTRAL TEXAS AGENCIES, BECAUSE WE KNOW AS I'VE SAID BEFORE THAT A SERIAL RAPIST THAT OCCURS IN SAN MARCOS IS CERTAINLY GOING TO COME SEEK VICTIMS IN AWESOME DAY. WE WANT TO BE ABLE TO DO THAT, WE WILL BE DEVELOPING A PLAN AS BEST HOW TO DO THAT. WE WILL ALSO BE LOOKING AT THE FUTURE AS FAR AS MAKING SURE THAT WE HAVE SUFFICIENT PERSONNEL AND EQUIPMENT TO -- TO IN THE FUTURE PROCEED TO CRIME SCENES AND -- AND IDENTIFY AND SEIZE EVIDENCE.

Goodman: MY OTHER QUESTIONS?

I DO HAVE PROPERTY CRIMES.

Goodman: I WASN'T SAYING GO AWAY. GO AHEAD.

ON PROPERTY CRIMES, IN 2004 SO FAR REPORTED 20341. IN 200-32-0886. THIS IS A DECREASE -- OVERALL DECREASE DRIVEN BY A REDUCTION OF BURGLARY, I THINK THE COMMUNITY WILL APPRECIATE THE NEWS THAT BURGLARY OF VEHICLES HAS DECREASED. THERE WAS 3264 BURGLARIES AS COMPARED TO 3680 IN 2003 IN THE FIRST SIX MONTHS. BURGLARY OF RESIDENTS ARE DOWN ONE PERCENT. STORAGE FACILITIES DOWN 70%, I ATTRIBUTE MUCH OF THAT TO THE WORK OF THE DISTRICT REPS IN GETTING THE STORAGE FACILITIES TO -- TO DO MORE TOWARDS PROTECTING OTHER PEOPLE'S PROPERTY THAT ARE STORED THERE. AND BURGLARY OF BUSINESSES ARE DOWN 6%. THEFT CONTINUES TO BE THE MOST REPORTED CRIME IN THE SERIOUS CRIME CATEGORY. WE HAVE 15,654 THEFTS COMPARED TO 15,824 IN 2003. BURGLARY OF VEHICLES MAKE UP MORE THAN HALF OF ALL THEFTS.

THERE'S BEEN A THREE PERCENT REDUCTION IN BURGLARY OF VEHICLES. ALTHOUGH THAT DOES NOT SOUND LIKE MUCH, THIS IS A REVERSAL OF A TREND THAT HAS BEEN UPWARD TREND OVER THE PAST SEVERAL YEARS. A 21% INCREASE IN SHOPLIFTING. AS FAR AS AUTO THEFTS, WE'VE HAD A SLIGHT INCREASE IN -- IN AUTO THEFTS. WITH CHEVYS, CHEVY AND GMC, S.U.V.'S THE MOST LIKELY TO BE STOLEN. ON PROPERTY CRIME ACTION, WE HAVE BEEN WORKING OVER THE LAST SEVERAL MONTHS, COMMANDER ROBERT GROSS AND OTHER STAFF ON PULLING TOGETHER LAW ENFORCEMENT IN TRAVIS COUNTY AND AISD, TRUANCY OFFICIALS. AND THAT WE ARE ABOUT TO KICK-OFF A TRUANCY REDUCTION PROGRAM AS PART OF OUR JUVENILE ACCOUNTABILITY AND COMMUNITY SERVICE GRANT THAT WE -- THAT WE -- THAT WE WERE AWARDED BY THE STATE ALONG WITH -- WITH LIFE WORKS AS OUR NON-PROFIT SERVICE AGENCY. THE KEY ELEMENTS OF THE PROGRAM, IF POLICE OFFICERS FINE -- FIND KIDS DURING SCHOOL HOURS OUT, STORES, SHOPPING CENTERS, STUFF. THEY WILL NOT BE JUST GIVEN A TICKET AND RELEASED, THEY WILL BE RETURNED TO SCHOOL. WE ARE GOING TO ESTABLISH A JUVENILE CENTER FOR CHRONIC TRUE WANTS AND YOUTH -- TRUANTS AND YOUTHS WITH WARRANTS. WE HAVE ABOUT 2,000 KIDS IN HIGH SCL AND JUNIOR HIGH THAT CURRENTLY HAVE FAILURE TO APPEAR AND CLASSROOM TRUANCY WARRANTS OUTSTANDING AND -- AND WHAT WE WILL IS AT THIS CENTER WE WILL HAVE -- WE WILL HAVE A PROCESS BY WHERE THE STUDENT WILL BE BROUGHT INTO THE CENTER, AT POLICE HEADQUARTERS, HIS PARENTS WILL BE CALLED AND THEN THEY WILL BE WALKED DOWN TO MUNICIPAL COURT, MUNICIPAL COURT HAS GRACIOUSLY ALTERED THE WAY THEY DO BUSINESS TO ALLOW US TO BRING THAT FAMILY BEFORE A JUDGE IMMEDIATELY. THEN THAT -- THEN THAT INDIVIDUAL WILL BE REFERRED TO ONE OF THE NON-PROFITS THAT HAVE JOINED US IN THIS ENDEAVOR. WE ARE ALSO IN PHASE 2 GOING TO BE GOING AFTER THE CHRONIC TRUANTS. IF YOU HAVE A MOTTO WHERE EVERY CHILD IS SAFE, SAFE MEANS A LOT OF THINGS. ONE IS TO BE ABLE TO STAY OUT OF GANGS, TO BE ABLE TO SAY NO TO DRUGS BECAUSE YOU SENSE THAT YOU HAVE A FUTURE. AND IF YOU DO NOT GO TO SCHOOL, YOU WILL HAVE NO FUTURE. AND SO WE WOULD -- THE SECOND PHASE OF THIS

PROGRAM IS THAT WE WILL BEGIN CONTACTING TRUANTS, CHRONIC TRUE WANTS, ALONG WITH AISD TRUANCY FOLKS, BRINGING THEM INTO SOCIAL SERVICE AGENCIES TO HOPEFULLY GET THEM BACK INTO SCHOOL. CITIES THAT HAVE FOCUSED ON TRUANTS HAVE SEEN AN 8 TIME BURGLARY DROP, SIGNIFICANT DOUBLE DIGITS, A SIGNIFICANT DECLINE IN BURGLARY OF VEHICLES AND OTHER MALICIOUS CRIMINAL MISCONDUCT THAT SOMETIMES KIDS WITH NOTHING TO DO GET INTO. CONTINUING ON WITH SOME OF THE ACTION ITEMS THAT WE HAVE FOR PROPERTY CRIMES. PROPERTY CRIMES UNIT START UNDERSTAND NOVEMBER OF 2003 IS UP AND RUNNING. IN THE FIRST SIX MONTHS THEY HAVE DISMANTLED THREE MAJOR FENCING OPERATIONS, ONE OF WHICH WAS SHIPPING PROPERTY STOLEN IN AUSTIN TO THE CITY'S IN HOUSTON AND I BELIEVE IT WAS SAN ANTONIO. THEY WILL CONTINUE TO -- TO FOCUS ON RECEIVERS OF STOLEN PROPERTY. OUR AUTO THEFT INTERDICTIONION, CENTRALIZED AUTO THEFT UNIT, FULLY IMPLEMENTED A BAIT CAR PROGRAM. SOME OTHER CITIES HAVE GOTTEN SOME T.V. TIME WITH THIS. OUR BAIT CAR PROGRAM IS WHERE YOU HAVE A VEHICLE THAT IS PLACED IN HIGH -- HIGH CRIME AREAS, IS STOLEN -- IF STOLEN, YOU CAN TRACK THAT VEHICLE TO A CHOP SHOP OR TO ANOTHER PERSON'S HOME AND TAKE THE SUSS SPECTS -- SUSPECTS INTO CUSTODY, USUALLY ALONG WITH OTHER STOLEN ITEMS. AND WE ARE GOING TO BE EXPANDING THOSE KINDS OF CRIMES IN WHICH WE USE FORENSIC CRIME SCENE PEOPLE TO GO OUT AND COLLECT EVIDENCE. SPECIFICALLY WE ARE GOING TO BE PRINTING AS MANY BURGLARY OF VEHICLES AS WE POSSIBLY CAN. IN ORDER TO IDENTIFY THOSE SUSPECTS INVOLVED IN THE CASE. PRINTS ARE IMPORTANT BECAUSE COUNCIL PROVIDED US WITH CAPITAL OUTLAY MONEY YEARS AGO IN WHICH WE DEVELOPED OUR AUTOMATED FINGER PRINT INFORMATION SYSTEM. AND SO WE HAVE A VERY HIGH SUCCESS RATE IN TAKING PRINTS FROM CRIME SCENES, ENTERING INTO THIS SYSTEM, AND IDENTIFYING THE SUSPECTS. ONE OF THE SIDE ISSUES WITH BURGLARY OF VEHICLES, WE WILL BE GOING TO THE LEGISLATURE, ASKING THEM TO -- TO LOOK AT THE LAW CONCERNING BURGLARY OF VEHICLES, WHICH IS A MISDEMEANOR, AND ATTEMPTING TO MAKE IT A FELONY IF

YOU HAVE A PRIOR THEFT CONVICTION. WE HAVE ONE PERSON THAT I WAS NOTIFIED OF LAST WEEK, THAT HAS BEEN ARRESTED SEVEN TIMES FOR BURGLARY OF VEHICLES. WITH THAT, I WOULD LIKE TO ANSWER ANY QUESTIONS WITH REGARD TO PROPERTY CRIME BEFORE I GO QUICKLY THROUGH THE TRAFFIC UPDATE.

Goodman: ARE THERE ANY QUESTIONS? MAYOR, YOU'RE BACK.

Mayor Wynn: THANK YOU, CHIEF, QUESTIONS OF THE CHIEF REGARDING PROPERTY CRIME STATS? THANK YOU.

GOING INTO TRAFFIC, VERY QUICKLY I'LL MOVE THROUGH THIS, SINCE JANUARY AN AVERAGE OF FIVE PERSONS PER MONTH DIED ON OUR ROADWAY, YOUNGER 14, OLDEST 90. THE DISTURBING FACT WITH THE STATISTIC IS THAT HALF OF OUR FATALITIES INVOLVE DRUGS OR ALCOHOL. THE STATE-WIDE AVERAGE IS 47%. HOWEVER, THE NATIONAL AVERAGE IS AT 40%. BEFORE GOING ANY FURTHER, WHAT I WOULD LIKE TO DO IS RESPOND TO THOSE THAT THE JUDGE -- THE SUCCESS OF TRAFFIC ENFORCEMENT BASED UPON THE NUMBER OF CITATIONS ON A SINGLE ITEM THE NUMBER OF CITATIONS THAT ARE ISSUED. I WANT YOU ALL TO KNOW THAT WE ISSUE CITATIONS NOT TO SHOW A LARGE NUMBER OF CITATIONS AT THE END OF THE YEAR OR FOR REVENUE, WE ISSUE CITATIONS IN ORDER TO SAVE PEOPLE'S LIVES. THIS MEANS THAT WE PLACE OUR, FOCUS OUR RESOURCES ON TRAFFIC ENFORCEMENT AT THOSE LOCATIONS WHERE WE BELIEVE A PRESENCE IS NECESSARY IN ORDER TO SAVE LIVES. THAT MAY NOT ALWAYS GET US THE GREATEST NUMBER OF CITATIONS. IF YOU LOOK AT TRAFFIC FATALITY RATE PER 100,000 RESIDENTS, YOU CAN SEE IN 2003 WE HAD A 7.6 FATALITY RATE PER 100,000 RESIDENTS. THAT WAS THE LOWEST SINCE 1994. WHEN THE POPULATION OF AUSTIN WAS RIGHT AT -- RIGHT AT 500,000. TRAFFIC FATALITIES ON THE MAP YOU CAN SEE THAT -- YOU CAN SEE THAT THERE'S A LARGE CONCENTRATION IF A VERY SMALL AREA DOWN SOUTH ALONG I-35. AS WELL AS -- AS WELL AS NORTH. ON PARMER AVENUE. IF YOU LOOK TO THE LEFT, WHERE MOPAC IS AND PARMER, ALL THREE OF THOSE STARS REPRESENT MOTORCYCLE COLLISIONS. THERE'S BEEN 39 COLLISIONS INVOLVING 40 DEATHS. NINE WERE SINGLE VEHICLE

COLLISIONS WHERE THE PERSON FELL ASLEEP. WAS INTOXICATED, LEFT THE ROADWAY AND STRUCK AN OBJECT. 16 OF THE ACCIDENTS INVOLVED TWO OR MORE VEHICLES. NINE HAVE BEEN MOTORCYCLE ACCIDENTS. NINE ACCIDENTS HAVE KILLED 10 PEOPLE. IT WAS AN INDIVIDUAL WHO WAS DRINKING, GOT ON HIS MOTORCYCLE, LEFT HIS RESIDENCE AT A VERY, VERY HIGH RATE OF SPEED, RAN INTO THE SIDE OF ANOTHER VEHICLE, KILLING BOTH HIM AND THE WOMAN THAT WAS RIDING WITH HIM. WE HAVE LOST FIVE PEDESTRIANS, I BELIEVE FOUR OF THOSE FIVE WERE INTOXICATED TO SOME DEGREE. WE HAVE NOT LOST A BICYCLIST IN A FATAL ACCIDENT. THIS YEAR. IF YOU LOOK ACROSS TEXAS, TRAFFIC FATALITIES WERE UP ACROSS TEXAS FROM DALLAS WITH AN INCREASE OF ONE TO HOUSTON, FORT WORTH, AUSTIN, WITH -- WITH RATHER SIGNIFICANT INCREASES. REAL QUICK, I WANT TO GO OVER THE STRATEGY FOR ADDRESSING TRAFFIC SAFETY, ENFORCEMENT EDUCATION AND ENGINEERING. CURRENTLY REUTILIZE CENTRALIZED TRAFFIC ENFORCEMENT UNIT, WHICH CONSISTS OF OUR HIGHWAY ENFORCEMENT, WHICH IS THOSE THAT ARE -- THAT PREDOMINANTLY WORK THE TRUCKS ON THE FREEWAYS AND THOROUGH WAYS IN THE CITY. I HAVE TO TELL YOU THAT THEY -- IN THE FIRST SIX MONTHS OF THE YEAR, THEY HAVE ISSUED ABOUT 3,000 -- TICKETS TO TRUCKERS. BUT THE REAL IMPORTANT THING TO REMEMBER IS THAT IN INSPECTING THOSE TRUCKS, THEY -- THEY READ LINED ALMOST 50%, SO ONE OUT OF EVERY TWO TRUCKS WAS NOT ALLOWED TO GO ANY FURTHER UNTIL THEY DID REPAIRS ON THAT TRUCK. OUR DWI UNIT IS SERGEANT, CORPORAL AND 10 OFFICERS. WE HAVE AN INVESTIGATIVE FOLLOW-UP UNIT CONSISTING OF -- EDUCATION UNIT, WORK WAS HIGH SCHOOL STUDENT, TALKING ABOUT DWI AND TRAFFIC SAFETY. DECENTRALIZED WE HAVE 60 MOTORS DISTRIBUTED THROUGHOUT THE AREA COMMAND. THEY ARE THE AREA COMMANDS ARMED RESOURCE TO ADDRESS THE NEIGHBORHOOD SPEEDING AND TRAFFIC PROBLEMS. IN ADDITION TO THAT, OF COURSE, WE HAVE ALL OF THE PATROL FOCUSING ON TRAFFIC AS WELL AS OTHER DUTIES. ENFORCEMENT -- STRATEGIES ARE DEVELOPED THROUGH -- THROUGH ACCIDENT LOCATION ANALYSIS. CITIZEN COMPLAINTS AND OFFICER'S OBSERVATIONS. WE ALSO PURCHASED EQUIPMENT TO

ENHANCE THE OFFICER'S ABILITY TO ENFORCE TRAFFIC AND DWI LAWS. SUCH AS THE BAT MOBILE, WHICH WILL ALLOW INFIELD PROCESSING OF ARRESTEES SO THE TWO TO THREE HOUR PROCESSING TIME FOR A PATROL OFFICER IS REDUCED TO PERHAPS AS LOW AS 30 MINUTES. STEALTH CARS WHICH IN THE FIRST WEEK OF THEIR IMPLEMENTATION HAS DONE INCREDIBLY WELL. AS WELL AS THE -- THE NEWEST RADAR DEVICES WHICH ALLOW OUR VEHICLES TO TRACK SPEEDING VEHICLES WHILE OUR POLICE CARS ARE MOVING. AND THIS -- THIS FISCAL YEAR, WE'VE -- WE'VE RECEIVED GRANTS OF 612,000 TO ASSIST US WITH REGARD TO OUR TRAFFIC ENFORCEMENT AS WELL AS RESOURCES PROVIDED BY THE CITY TOWN THROUGH THE GENERAL FUND. ENHANCED DWI ENFORCEMENT. IN THE AUSTIN POLICE DEPARTMENT, EVERY CADET THAT GRADUATES FROM THE ACADEMY SPENDS A WEEK WITH DWI OFFICER, THEN HE WORKS WITH THAT OFFICER AND IS ON -- IS ON PATROL UNIT FOR A WEEK. WE ARE GOING TO EXTEND THAT FOR A SECOND WEEK. EACH MONTH A NEW GROUP OF NINE OFFICERS REPORT FOR TRAINING IN DWI ENFORCEMENT WITH OUR DWI UNIT. THEY SPEND A SHORT TIME WITH THAT UNIT AND THEN THEY WORK SIDE BY SIDE WITH THEM IN THEIR OWN CAR. WE HAVE INCREASED AND ALLOCATED OVERTIME TO BRING IN ADDITIONAL OFFICERS. SO IN FACT THE 10 OFFICERS ASSIGNED TO DWI REALLY AT TIMES COULD NUMBER AS MANY AS 30. WE ARE ALSO UTILIZING OUR HELICOPTER, PRIMARILY, ITS PRIMARY MISSION AT THIS POINT IS TRAFFIC ENFORCEMENT, WORKING IN THE EARLY MORNING HOURS. LOOKING AT RECKLESS DRIVING, RACING AND DWI. AGAIN, GENERAL TRAFFIC ENFORCEMENT, STEALTH VEHICLES TO IDENTIFY AGGRESSIVE DRIVERS. WE HAVE INCREDIBLE LUCK. I'M PLEASED TO SAY THAT YEARS AGO COUNCILMEMBER SLUSHER CAME TO ME AFTER GOING TO A CONFERENCE WITH THAT IDEA AND WE FINALLY GOT THE -- THE WHEELS ON THE ROAD ON THAT. WE ARE ALSO, AS YOU KNOW, WE HAVE A VARIETY OF VEHICLES PROVIDED BY LOCAL CAR DEALERS WHICH WE -- WHICH WE PARK ON THE SIDE OF THE ROAD AND CONDUCT RADAR ENFORCEMENT. WE HAVE INCREASED MEDIA ACCESS TO REAL TIME COLLISION ENFORCEMENT AND ENFORCEMENT TARGET LOCATIONS. WE DON'T DO THIS TO KEEP PEOPLE FROM GETTING TICKETS. WE DO THIS SO THAT PEOPLE WILL

TALK ABOUT TRAFFIC SAFETY AND IT HAS WORKED. I HAVE TALKED TO PEOPLE ON MY PHONE, SENT E-MAILS TO PEOPLE. PEOPLE ARE -- ARE NOW AWARE THAT TRAFFIC SAFETY IS AN ISSUE AND THEY NEED TO DO SOMETHING ABOUT IT. PUBLIC EDUCATION. I KNOW THAT MANY OF THE COUNCILMEMBERS HAVE TALKED TO ME OVER SEVERAL BUDGET YEARS ABOUT PUBLIC EDUCATION. MAYOR PRO TEM GOODMAN HAS TALKED TO ME NUMEROUS TIMES ABOUT IT. AS WELL AS OTHERS. WE HAVE MANAGED TO PUT TOGETHER, I THINK, AN INCREDIBLE PUBLIC EDUCATION PROGRAM. WE HAVE -- WE WILL BE HAVING PSA'S. WE HAVE SIX IN THE PLANNING STAGE. WE HAVE TWO THAT ARE READY TO GO. YOU WILL SEE BILLBOARD AND NEWSPAPER ADS. WE WILL ALSO BE CONTACTING FORT HOOD, LOCAL COLLEGES AND THE -- IN THE CENTRAL TEXAS AREA LETTING THEM KNOW YOU DO NOT DRINK AND DRIVE IN AUSTIN. ALSO WE ARE GOING TO BE IDENTIFYING THOSE BUSINESSES THAT CONFORM TO THE LAW AND DO NOT SELL ALCOHOL TO MINORS AND WE ARE GOING TO BE IDENTIFYING THOSE BUSINESSES THAT DO SELL ALCOHOL TO MINORS IN THE MEDIA. TRYING TO GET THEM TO FOLLOW THE LAW. THE FOCUS WILL BE ON I WOULD ACCOUNTABILITY, DON'T DRINK AND DRIVE, DON'T ALLOW TO FRIEND TO DRINK AND DRIVE, SLOW DOWN AND OBEY ALL SIGNALS AND TRAFFIC SIGNS AND WEAR YOUR SEAT BELT. THE LAST THING, VERY BRIEFLY, IS THAT EFFECTIVE I THINK NEXT WEEK WE WILL BE HAVING A COMMANDER WHO WILL ASSUME THE DUTIES OF TRAFFIC SAFETY AND TRAFFIC MANAGEMENT ROLE FOR A.P.D. THE FOCUS OF THAT POSITION IS -- IS TO -- TO PROVIDE CONSISTENT LEADERSHIP IN PARTNERING WITH TEXDOT, CITY-COUNTY TRANSPORTATION, CAPITAL METRO AND OTHER RELATED AGENCIES IN PROVIDING THE SAFE STREET DESIGNS AND IN ADDRESSING PROBLEMS QUICKLY. THEY WILL BE REQUIRED TO LEAD THE CHARGE ON IMPLEMENTING IMPROVED OFFICER TRAINING. THEY WILL BE COORDINATING A.P.D.'S INPUT ON ROAD ENGINEERING AND TRAFFIC SIGNAL CONTROLS. AND THEY WILL OVERSEE TRAFFIC EDUCATION EFFORTS IN THE COMMUNITY, INCLUDING THE PRODUCTION OF THE P.S.A.'S. THAT CONCLUDES THE PRESENTATION ON THE TRAFFIC ENFORCEMENT.

QUESTIONS FOR CHIEF KNEE REGARDING THE TRAFFIC ENFORCEMENT? COUNCILMEMBER MCCRACKEN?

McCracken: CHIEF, I KNOW A LOT OF TIMES ON THE TRAFFIC ISSUES, BECAUSE THAT IS INDIVIDUALS AND DECISIONS THEY MAKE AND THE FLOW OF TRAFFIC THOSE CAN KIND OF CAUSE MORE ABERRATIONS. I WANTED TO ASK YOU ABOUT INCREASED MEDIA ACCESS. CAN YOU TELL US, IT'S COME TO OUR ATTENTION RECENTLY THAT THE PUBLIC INFORMATION OFFICE WAS APPARENTLY NOT PROVIDING ANY MEDIA UPDATES AFTER -- AFTER SOME POINT IN THE EVENING. COULD YOU -- COULD YOU -- IT IS VITALLY IMPORTANT A LOT OF TIMES AS YOU ALL KNOW THAT THE PUBLIC BE INFORMED IN A RAPID RESPONSE AND THAT THE PUBLIC INFORMATION OFFICE IS A KEY COMPONENT OF GETTING THE WORD OUT TO THE PUBLIC SO WE CAN HELP TRACK DOWN THINGS LIKE CARJACKERS AND VIOLENT CRIMINALS WHO MIGHT BE IN -- CAN YOU TELL US ABOUT STEPS THAT YOU CAN TAKE TO INCREASE THE PUBLIC INFORMATION OFFICE'S PROVISION OF INFORMATION TO THE MEDIAN PUBLIC.

CHIEF COY HAS BEEN MEETING WITH THE MEDIA FOLKS FOR ABOUT A YEAR NOW, HE HAS WORKED ON THAT PROBLEM, I WOULD LIKE HIM TO ANSWER THAT QUESTION.

ACTUALLY, WE ARE -- I'M NOT SURE WHAT INFORMATION YOU ARE TALKING ABOUT, I THINK THAT I HAVE AN IDEA. BUT WE MET WITH AN INDIVIDUAL THAT HAD SOME COMPLAINTS. WE RESOLVED THOSE ISSUES. 24/7 THEY COME IN. THREE PEOPLE THAT WORK IN OUR PRESS INFORMATION AND THEY ARE AVAILABLE 24/7 TO ANSWER ALL OF THE OPEN RECORDS REQUESTS DURING THE DAY, THINK THEY COME IN AT NIGHT WHEN WE HAVE ANY TYPE OF A PROBLEM, THEY ARE AVAILABLE FOR THAT. OUR RELATIONSHIP WITH THE MEDIA I THINK IS VERY POSITIVE NOW. AS A MATTER OF FACT WE HAVE BEEN MEETING, CHIEF AND CHIEF KNEE HAVE MET WITH THE NEWS DIRECTORS FROM EACH OF THE MAJOR MEDIA OUTLETS HERE IN AUSTIN ON AN ANNUAL BASIS TO DEAL WITH THOSE ISSUES.

SO WE CAN REST ASSURED THAT OUR PUBLIC INFORMATION OFFICE IS GOING TO BE AVAILABLE 24 HOURS A DAY TO GIVE INFORMATION TO THE MEDIA AND INVEST IN THE -- IN THE

PUBLIC WITH CRIMES GOING ON, THINGS THAT WE NEED TO KEEP OURSELVES SAFE.

ABSOLUTELY.

I APPRECIATE THAT. THAT'S AN IMPORTANT PART OF THE PROCESS. WHEN I WAS A PROSECUTOR IT WAS THE LAST TIME WE HAD A BIG NATIONAL CRIME WAVE. I'M VERY CONCERNED ON THE VIOLENT CRIME ANGLE. WE DON'T WANT TO GO BACK THERE. PARTICULARLY INFORMATION ABOUT PAROLE INFORMATION AND LINK TO VIOLENT CRIMES AND GANGS BECAUSE THAT -- THAT -- I REMEMBER TRYING TO -- TO -- A FELONY ONCE WHERE A GUY HAD GOTTEN 37 YEARS IN PRISON, HE HAD BEEN GOTTEN ARRESTED 11 MONTHS LATER FOR ANOTHER CRIME. HE HAD BEEN LET LOOSE. THE PAROLE OFFICER BACK THEN -- I TRUST THE STATE IS NOT MOVING BACK TOWARD RELEASING VIOLENT CRIMINALS SINCE THEY SEEM TO BE DISPRO PORTION GNATLY MOVING INTO THE AUSTIN AREA, WE ARE SEEING AN INCREASE IN VIOLENT CRIME THAT IS PROBABLY AS A RESULT OF THAT. YOU ALL HAVE YOUR HANDS FULL. YOU CAN GET US THAT INFORMATION. I DO APPRECIATE THE OUTREACH EFFORTS YOU ARE MAKING AND ALERTING US ON SOME VERY TROUBLING TRENDS HERE.

COUNCILMEMBER, FURTHER QUESTIONS?

THANK YOU, MAYOR. CHIEF, I WANT TO THANK YOU FOR CIENGD GIVING THIS REPORT -- COMING AND GIVING THIS REPORT. I HAVE A COUPLE OF -- OF QUESTIONS, YOU KNOW, RELATED TO -- THE ISSUE OF HOW IMMIGRANTS, HISPANICS PARTICULARLY ARE BEING AFFECTED. A NUMBER OF THESE ISSUES, TRAFFIC RELATED ISSUES, ALCOHOL RELATED ISSUES IN TERMS OF -- IN TERMS OF DWI'S, ET CETERA. ARE YOU SEEING ALSO A HIGH RATE OF VIOLATIONS IN TERMS OF DWIS ALSO. IN THE HISPANIC COMMUNITY, I REMEMBER ABOUT A YEAR OR SO AGO WE LAUNCHED A CAMPAIGN WITH THE MOTHERS AGAINST DRUNK DRIVING CALLED PASS THE KEYS, [SPEAKING IN SPANISH], AND REALLY WANTED TO SEE IF THAT'S STILL ONGOING, SPANISH LANGUAGE MEDIA TO CONTINUE TO GET THE WORD OUT, HAD A MEASURABLE IMPACT AND OBVIOUSLY THERE'S A NEED TO DO MORE.

WELL, I CAN TELL YOU THAT I BELIEVE THAT IT HAS. WE CAN GET THE STATISTICS TO YOU. THE MOST -- THE FACT OF THE MATTER IS THAT THE -- THAT THE PUBLICITY THROUGH THE MEDIA WAS VERY IMPORTANT, BUT WE HAVE ALSO HAD THE -- THE NON-PROFIT ORGANIZATIONS TELLING THE INDIVIDUALS THAT -- THAT -- THAT IF YOU DRINK AND DRIVE IN THIS COUNTRY, YOU GO TO JAIL. GOING TO JAIL IS THE EQUIVALENT OF PERHAPS MEETING INS AND YOUR STATUS COULD CHANGE. SO THERE HAVE -- THERE HAS BEEN A LOT OF EFFORT TO THAT.

BECAUSE I KNOW IN THE LAST YEAR, YEAR AND A HALF, VERY POWERFUL MEDIA OUTLETS THAT HAVE -- THAT HAVE BECOME PART OF OUR COMMUNITY AND WE JUST WANT TO MAKE SURE THAT WE ARE TRYING TO MAXIMIZE THE OUTREACH SO THAT WE MIGHT BE ABLE TO ACCOMPLISH VIA THOSE OUTLETS. FINALLY, JUST IN TERMS OF -- I SAW THE MAP THAT YOU HAD ON THE -- ON THE -- WAS IT THE -- THE TRAFFIC DEATHS?

YES, SIR.

AROUND TOWN? WHERE THOSE OCCURRED? I THINK THAT YOU MENTIONED THAT ONE OF OUR STRATEGIES ON THE BURGLARY SIDE, AS IT RELATES TO THE HISPANIC VICTIMS, IS TRYING TO IDENTIFY THOSE LOCATIONS WHERE THESE INCIDENTS ARE OCCURRING AND FOCUSING OUR EFFORTS THERE. BUT WOULD IT BE -- IS THIS SOMETHING THAT WE SHARE ALSO WITH THE MEDIA AND LET THEM KNOW, WELL, THESE ARE AREAS WHERE THESE INCIDENTS SEEM TO BE FOCUSED OR CONCENTRATED, MIGHT THAT BE THROUGH A REGULAR REPORTING MECHANISM, MIGHT BE MONTHLY, MIGHT IT BE HELPFUL TO GET THAT INFORMATION OUT TO THE PUBLIC VIA THE MEDIA SO THAT PEOPLE KNOW THAT WHEN THEY ARE GOING TO CERTAIN PLACES THAT -- THAT EXTRA CARE, YOU KNOW, MAY BE CALLED FOR. BUT I DIDN'T KNOW -- AGAIN THERE MIGHT BE A WAY TO -- JUST LOOKING AT THE MAP THAT YOU ON -- THAT YOU HAD ON THE TRAFFIC FATALITIES, IF THERE WAS A WAY TRYING TO USE SOMETHING VISUAL TO -- TO COMMUNICATE TO FOLKS YOU KNOW WHERE IN PARTICULAR THEY NEED TO TAKE EXTRA CARE.

I THINK THAT THE MEDIA HAS BEEN VERY GOOD TO US WITH REGARD TO THAT. I THINK THAT HOWEVER YOUR COMMENTS ARE WELL FOUNDED. WE COULD -- THERE'S SOME IMPROVEMENT IN TAKING THAT INFORMATION AND PACKING -- PACKAGING IT TO THEM, PROVIDING IT TO THEM, SO THAT IT'S USABLE AND UNDERSTANDABLE TO THE VIEWERS.

CERTAINLY I'M INTERESTED IN WORKING WITH YOU ON THOSE TWO FRONTS AND OTHER AREAS, OF COURSE. BUT -- BUT THOSE ARE JUST A COUPLE OF IDEAS THAT -- THAT I THOUGHT OF AS YOU WERE MAKING YOUR PRESENTATION. THANKS AGAIN FOR -- FOR COMPILING ALL OF THIS FOR US.

THANK YOU.

THANK YOU, COUNCILMEMBER. CHIEF IN THE PRESENTATION, ONE. SLIDES SHOWED YEAR TO DATE OR JANUARY TO JUNE WE WERE AVERAGING FIVE TRAFFIC FATALITIES A MONTH. 30 PRESUMABLY.

IT'S ACTUALLY A LITTLE OVER FIVE, YES, SIR.

Mayor Wynn: IN ONE OF THE SLIDE I SAW 40 AS A NUMBER, IS IT 40 OR 30.

I'M SORRY, THAT WAS THE -- TODAY, EFFECTIVE THROUGH JANUARY TO TODAY.

Mayor Wynn: OKAY. THANK YOU.

FURTHER QUESTIONS, FOR THE CHIEF?

FOR OF ALL, THANK YOU FOR IDENTIFYING THE STEALTH VEHICLES TO IDENTIFY AGGRESSIVE DRIVERS, THANK YOU. ONE QUESTION, DID WE NOTICE ANY INCREASE IN ACCIDENTS DUE TO CELL PHONE USE? >>

I WAS TALK TO COME THE ROTARY CLUB, ALMOST ALL OF THE QUESTIONS CONCERNING TRAFFIC WAS CELL PHONE USAGE. I THINK MANY OF THOSE INDIVIDUALS ASKING QUESTIONS WERE FED UP WITH DRIVERS THAT TALK ON THE PHONE. I TALKED TO MY MOTOR SERGEANTS. WHAT THEY

TELL ME IS THAT WHAT THEY ARE SEEING IS THAT MANY OF THE PEOPLE THAT RUN RED LIGHTS DO SO NOT BECAUSE -- NOT ON PURPOSE, BUT THEY ARE DOING SO MANY THINGS IN THEIR CAR. THEY ARE TALKING ON THE PHONE, DIALING ON THE PHONE. AND THAT -- THAT THEY ARE SEEING MORE AND MORE PEOPLE RUNNING RED LIGHTS THAT ARE USING THEIR CELL PHONES. AND -- AND THAT NOT ONLY CAME FROM ONE MOTOR SERGEANT, IT CAME FROM A NUMBER OF MOTOR SERGEANTS. AT THE FEDERAL LEVEL, THERE'S A CLEAR STATISTICAL INCREASE IN -- IN SERIOUS AND FATAL ACCIDENTS, I BELIEVE, AMONG YOUNG PEOPLE IN WHICH CELL PHONES PLAYED A ROLE IN THOSE ACCIDENTS. AND OF COURSE I THINK THAT -- THAT THE RECENT ACCIDENT OUT IN THE COUNTY AREA IN WHICH THE -- IN WHICH THE MAN DROPPED HIS CHECKBOOK AND WENT DOWN TO PICK IT UP AND HIT AN -- HIT ANOTHER CAR OR ONCOMING, ALTHOUGH IT WASN'T IN THE CITY OF AUSTIN, TELLS YOU HOW QUICKLY INATTENTION CAN LEAD TO AN ACCIDENT. CELL PHONES SOMETIMES CAUSE YOU TO BE INATTENTIVE DRIVERS.

Slusher: I WANT TO HAVE SOME FURTHER CONVERSATION WITH YOU ABOUT THAT. THANK YOU, CHIEF.

Mayor Wynn: FURTHER QUESTIONS OR COMMENTS? THANK YOU, CHIEF.

Mayor Wynn: OBVIOUSLY WE ARE RUNNING BEHIND SCHEDULE, BUT AT THIS TIME WE WILL HAVE THE PUBLIC SAFETY COMPONENT OF OUR BUDGET PRESENTATION. WE WILL WELCOME MR. RUDY GARZA.

Futrell: OBVIOUSLY, RUDY WILL GIVE YOU AN OVERVIEW, BUT WE WILL HAVE A POLICE, FIRE, E.M.S., AND MUNICIPAL COURT IN YOUR PRESENTATION TODAY.

GOOD AFTERNOON MAYOR AND COUNCIL, I'M RUDY GARZA, ASSISTANT CITY MANAGER. I WILL BE THE -- I WILL BE -- AS THE CITY MANAGER TALKED ABOUT WE WILL BE COVERING THE PUBLIC SAFETY DEPARTMENTS AND THE MUNICIPAL COURT THAT INCLUDES THE POLICE DEPARTMENT, THE FIRE DEPARTMENT, THE E.M.S. DEPARTMENT, AND THE THREE FUNCTIONS OF THE MUNICIPAL COURT. I'LL BE PROVIDING

YOU JUST SOME GENERAL OVERVIEW OF THE DEPARTMENTS, THEN EACH DEPARTMENT WILL GIVE YOU MORE DETAILS ABOUT THE MAKEUP OF THEIR BUDGETS, SOME OF THE KEY HIGHLIGHTS, SOME OF THE KEY PERFORMANCE INDICATORS. OVERALL IN THE GENERAL FUND, THE PUBLIC SAFETY DEPARTMENTS MAKEUP ABOUT 65% OF OUR TOTAL EXPENDITURES IN THE PROPOSED BUDGET. THAT, AS YOU KNOW, IS AN INCREASE FROM WHAT WE HAVE TALKED ABOUT IN THE PAST. IN THE PAST WE HAVE AVERAGED AROUND 50 TO 55% AND AGAIN THIS YEAR IT'S 65%. THERE'S TWO FACTORS THAT I WANT TO MAKE SURE THAT I MAKE VERY CLEAR TO YOU. ONE IS WE HAVE HAD A -- WE HAVE HAD KIND OF AN ACCOUNTING CHANGE, WE HAVE CONSOLIDATED TWO FUNDS. WE USED TO HAVE A -- YOU MAY RECALL E.M.S. TRAVIS COUNTY REIMBURSED FUND. WE HAVE MANAGED THAT -- MERGED THAT INTO THE GENERAL FUND. THAT ADDED APPROXIMATELY \$7.5 MILLION INTO THE GENERAL FUND WITH A CORRESPONDING REVENUE. IN ADDITION TO THAT, THE SHIFT OF -- OF TAX REVENUES OUT OF THE CITY OF AUSTIN FOR -- FOR THE HOSPITAL DISTRICT, OF COURSE, LOWERS OUR PROPERTY TAX REVENUES AND THOSE FACTORS DO MAKE UP A DIFFERENCE ON -- ON WHAT -- AS WE TALK FURTHER, ABOUT THE PERCENTAGE OF PUBLIC SAFETY OVER -- OVER PROPERTY AND SALES TAX. OVER ON THE FIRST SLIDE THE POLICE AND FIRE DEPARTMENT'S BUDGET OF -- IN SPITE OF OUR ONGOING COST REDUCTIONS, COST CONTAINMENT PLANS, WHAT WE HAVE TALKED ABOUT, THE MANAGER WAS VERY CLEAR A COUPLE OF YEARS AGO, WHEN WE TALKED ABOUT BUILT-IN COST DRIVERS, THAT MOST SIGNIFICANT OF THOSE BEING IN THE PUBLIC SAFETY ARENA. WHEN WE TALK ABOUT PUBLIC SAFETY COST DRIVERS, THE MOST SIGNIFICANT ONES ARE AROUND PERSONNEL COSTS, SALARY COSTS. FOR EXAMPLE IN THE PROPOSED BUDGET WE HAVE APPROXIMATELY \$11 MILLION WORTH OF INCREASES ATTRIBUTED STRICTLY TO PERSONNEL COSTS SUCH AS PAY FOR PERFORMANCE, PUBLIC SAFETY PREMIUM, STEP AND LONGEVITY PAY. IN ADDITION TO THAT, SIGNIFICANT COUNCIL PRIORITIES THAT ARE -- THAT WE CONTINUE TO COMPLY WITH AND IMPLEMENT. SUCH AS 2.0 OFFICERS PER THOUSAND RESIDENTS. YOU CAN SEE THE CITY -- THE POLICE CHIEF HAD AN -- AN EXTENSIVE

DISCUSSION WITH YOU ON OUR EFFORTS THERE. BUT -- BUT SAYING THAT, MAINTAINING 2.0 OFFICERS THEY ARE THOUSAND THAT HA A TOTAL ANNUAL IMPACT OF APPROXIMATELY \$650,000. WE DO HAVE GRANT REVENUES THAT ARE PAYING FOR THAT. TASK FORCE STAFFING, WE CONTINUE THAT IN THE PROPOSED BUDGET. THAT ITEM ALONE HAS -- HAS NOT AN INCREASED AMOUNT, BUT AN ANNUAL PRICE TAG OF APPROXIMATELY 4 MILLION DOLLAR. SO THOSE ARE THE KIND OF THINGS THAT -- THAT IN SPITE OF ALL OF OUR EFFORTS TO CONTAIN COSTS, COST REDUCTIONS, THERE ARE SOME BUILT-IN COST DRIVERS IN THE PUBLIC SAFETY DEPARTMENTS. WHEN WE TALK ABOUT PUBLIC SAFETY, CLEARLY, WE TALKED ABOUT OVER THE LAST SEVERAL YEARS, HOW DOES PUBLIC SAFETY INVESTMENT COMPARE TO OUR REVENUES OF PROPERTY TAX AND SALES TAX. THIS YEAR WE ARE ALSO INCLUDING THE CONTRIBUTION OF THE TRAVIS COUNTY -- TRAVIS COUNTY FOR E.M.S. YOU SEE ON THIS SLIDE HERE TOTAL OPERATING COSTS OF \$290.8 MILLION, PROPERTY AND SALES TAX PLUS \$7.5 MILLION THAT WE RECEIVE UNDERSTAND THE CONTRIBUTION FOR E.M.S. OF \$265 MILLION, SO AT THIS POINT OUR PUBLIC SAFETY INVESTMENT ACCOUNTS FOR 109% OF OUR TOTAL PROPERTY AND SALES TAX REVENUES. PLUS THAT INCREMENTAL INCREASE FROM TRAVIS COUNTY. THIS YEAR AS YOU KNOW THE CITY MANAGER IS PROPOSING A JUDICIOUS USE OF OUR FUND BALANCE TO ADDRESS SOME OF THE CRITICAL ONE-TIME COSTS. IN THE FIRE DEPARTMENT, WE ARE -- WE ARE MAKING A SIGNIFICANT INVESTMENT IN OUR CAPITAL EQUIPMENT, WE ARE LEVERAGING THOSE DOLLARS BY -- BY FINANCING SOME OF THE -- OF THE VEHICLES SUCH AS PUMPERS, LADDER TRUCKS THAT HAVE A LONG-TERM LIFE. FOR INSTANCE IN THE FIRE DEPARTMENT THAT INCLUDES THE PURCHASE OF THREE PUMPERS, ONE LADDER TRUCK. IN THE POLICE DEPARTMENT, \$2.8 MILLION, THAT INCLUDES THE PURCHASE OF 85 PATROL CARS. IN OUR E.M.S. DEPARTMENT, ALMOST \$800,000 INVESTMENT, FOR VARIOUS PIECES OF EQUIPMENT, ONE OF THE HIGHLIGHTS IN THE -- RICHARD HARRINGTON WILL TALK TO YOU MORE ABOUT THAT, IT'S A PURCHASE OF 50 -- DEFIBRILLATORS THAT WE WILL BE PLACING IN CITY FACILITIES THROUGHOUT -- THROUGHOUT THE CITY-WIDE

TO ADDRESS SOME OF THE NEEDS AND THAT THEY COME UP WITH OUR PATRONS AND OUR EMPLOYEES. THE GENERAL FUND PUBLIC SAFETY DEPARTMENTS ACTUALLY WAS THE NET CHANGE OF 13. AND AGAIN THE DEPARTMENTS WILL TALK TO YOU MORE IN DETAIL ABOUT THOSE. IN THE POLICE DEPARTMENT, THE -- THE INCREASE OF 13 OFFICERS IS -- IS DIRECTLY ATTRIBUTED TO MAINTAINING TWO OFFICERS PER THOUSAND. IN -- IN THE FIRE UNIFORM, YOU SEE A REDUCTION OF 3. THAT IS AGAIN BASED ON A STRATEGIC REDEPLOYMENT OF OUR STAFF TO ALLOW US TO -- TO MAINTAIN ALL OF OUR REQUIREMENTS, BUT -- BUT BEING ABLE TO LEVERAGE OUR STAFF FIREFIGHTER POSITIONS AND REDEPLOY THOSE OUT TO THE STATIONS. IN OUR E.M.S. DEPARTMENTS YOU SEE AN INCREASE OF FOUR UNIFORMED POSITIONS AND E.M.S. DIRECTOR WILL TALK TO YOU ABOUT SOME OF THE -- SOME OF THE ENHANCEMENTS THAT WE ARE DOING FOR ALTERNATIVE SHIFT SCHEDULES. LIKE EVERY OTHER DEPARTMENT, THIS PUBLIC SAFETY DEPARTMENT PARTICIPATED IN OUR COST REDUCTION PROCESS. OVERALL, THE -- THE PUBLIC SAFETY DEPARTMENTS HAVE REDUCTIONS OF \$4.6 MILLION AND THE OVERALL REDUCTION OF ALMOST 17 POSITIONS. OUR MUNICIPAL COURT DEPARTMENT HAD A REDUCTION OF APPROXIMATELY \$30,000, IN ADDITION TO THAT, ALSO, IMPLEMENTED A REVENUE ENHANCEMENT OF \$219,000 AND THEY WILL TALK TO YOU IN MORE DETAIL ABOUT THEIR SPECIFIC REDUCTIONS. SOME OF THE KEY HIGHLIGHTS AND -- YOU WILL HAVE MORE DETAIL WHEN THE -- WHEN THE DEPARTMENTS REVIEW THEIR BUDGETS WITH YOU, HOWEVER I DO WANT TO HIGHLIGHT AGAIN, OUR PROPOSED BUDGET MAINTAINS 2.0 OFFICERS PER THOUSAND. WE HAVE FUNDING FOR THE SECOND YEAR FOR THE APPROVED MEET AND CONFER CONTRACT FOR THE POLICE DEPARTMENT. WE MAINTAIN OPERATION OF ALL 43 FIRE STATIONS WITH TASK FORCE STAFFING. THE OPERATION OF ALL 28 E.M.S. STATIONS, INCLUDING SERVICE DELIVERY ENHANCEMENT FOR TWO OF OUR STATIONS FOR ALTERNATIVE SHIFT SCHEDULE. RICHARD HARRINGTON WILL TALK TO YOU SPECIFICALLY ABOUT WHAT THAT MEANS AND HOW THAT BENEFITS OUR COMMUNITY. I TALKED TO YOU ABOUT SOME OF THE CRITICAL REPLACEMENTS FOR SOME OF OUR

PUBLIC SAFETY DEPARTMENTS. ALSO ONGOING THE UPGRADE OF THE COURTS CASE MANAGEMENT SYSTEM. AS WE GO INTO EACH OF THE DEPARTMENTAL PRESENTATIONS, WHAT YOU WILL SEE IS I WILL REVIEW WITH YOU SOME OF THE RESULTS OF OUR CITIZENS SURVEY, EACH DEPARTMENT WILL GO OVER VERY QUICKLY SOME OF THE BUDGET FACTS. THE OVERALL BUDGET. THE POSITIONS. SOME OF THE REDUCTIONS. AND THEN WE WILL GO INTO SOME OF THE HIGHLIGHTS, SOME OF THE KEY ADDITIONS OR ENHANCEMENTS. SOME OF THE PERFORMANCE AND OPERATIONAL GOALS AND ALSO SOME BENCHMARKS. SO STARTING OFF WITH OUR FIRE DEPARTMENT. OUR FIRE CHIEF GARY WARREN WILL GO INTO DETAIL ABOUT HIS BUDGET. BUT I WANT TO OPEN IT UP WITH -- SOME OF THE SURVEY RESULTS THAT WE RECEIVED FROM OUR ANNUAL CITIZENS SURVEY, THAT WE -- THAT WE -- THAT ARE AGAIN BASED ON A RANDOM SELECTION OF OUR COMMUNITY. IN THE FIRE DEPARTMENT, WHAT YOU WILL -- THE MOST IMPORTANT THING THAT YOU WILL NOTE IS THAT THE LEVEL OF SATISFACTION IS PRACTICALLY PERFECT, VERY, VERY HIGH MARKS. 97% SATISFACTION RATE FOR FIRE PROTECTION AND EMERGENCY RESPONSE. 98% SATISFACTION RESPONSE FOR OUR MEDICAL ASSISTANCE AND OVERALL THE QUALITY OF OUR FIRE DEPARTMENT, 97%. AGAIN, THIS -- THIS IS NOT SOMETHING THAT'S SURPRISING. WE KNOW THAT WE HAVE THE BEST FIRE DEPARTMENT IN THE STATE. I WOULD VENTURE TO SAY IN THE COUNTRY. WITH THAT I TURN IT OVER TO OUR FIRE CHIEF, GARY WARREN.

THANK YOU.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS: MY NAME IS GARY WARREN. I'M VERY PROUD TO BE YOUR FIRE CHIEF. LEADING YOUR FIRE DEPARTMENT. I'M HERE TO PRESENT TO YOU THE FIRE DEPARTMENT PORTION OF THE PROPOSED 2005 BUDGET. I HAVE A COUPLE OF PEOPLE THAT I BROUGHT WITH ME TO HELP TO ANSWER QUESTIONS AND I WOULD LIKE TO INTRODUCE THEM, ONE OF THEM IS AMY SINGER. SHE IS OUR ADMINISTRATIVE AND FINANCE MANAGER. THE OTHER IS JUSTIN MEYER, OUR FINANCIAL MANAGER OVER AT THE COMPUTER. I WOULD LIKE TO BEGIN BY SHOWCASING SOME PERFORMANCE MEASURE THAT'S WE

TRACK, LINING THEM UP AGAINST OTHER COMPARABLE FIRE DEPARTMENTS. THE FIRST MEASURE IS THE AVERAGE RESPONSE TIME MEASURE. THIS MEASURE SHOWS HOW WELL A DEPARTMENT IS SITUATED TO RESPOND QUICKLY TO EMERGENCIES ACROSS THE CITY. IT'S MEASURED FROM THE TIME AN ALARM IS TRANSMITTED TO THE FIRE STATIONS, TO THE TIME OF THEIR ARRIVAL AT THE EMERGENCY SCENE. THIS IS MORE OF A MEASURE OF PERFORMANCE OF THE OPERATIONS SECTION OF THE FIRE DEPARTMENT AND DOES NOT INCLUDE DISPATCH PROCESSING TIME. IN FISCAL YEAR 2003, THE AUSTIN FIRE DEPARTMENT AVERAGED A 3.97 MINUTE RESPONSE TIME. IN COMPARISON, EL PASO AVERAGED 4.33 MINUTES, FORT WORTH AVERAGED 4.88 MINUTES, AND SAN ANTONIO AVERAGED 6.63 MINUTES. THE NEXT MEASURE SHOWS THE PERCENTAGE OF TIME SHOWS THE ROOM OR WHERE THE FIRE ORIGINALORIGINATED. IT REFLECTS OUR FIREFIGHTING FORCES AS WELL AS FIRE PREVENTION EFFORTS AND PUBLIC EDUCATION EFFORTS. IN FISCAL YEAR 2003, THE AUSTIN FIRE DEPARTMENT WAS ABLE TO HOLD STRUCTURE FIRES TO THE ROOM OF THE FIRE'S ORIGIN, 83% OF THE TIME. OF THE 8 CITIES WE COMPARED OURSELVES TO, INCLUDING TWO TEXAS CITIES, ONLY THE CITY OF SAN JOSE RECORDED A HIGHER PERCENTAGE THAN WE DID. THE NEXT MEASURE WE TRACKED WAS THE NUMBER OF FIRE DEATHS PER 100,000 POPULATION. FISCAL YEAR 2003 WAS THE LATEST ICMA DATE THAT WE WERE ABLE TO USE TO COMPARE SO. THAT PARTICULAR YEAR WAS THE YEAR THAT WE HAD OUR RECORD NUMBER OF FIRE DEATHS. IN SOME WAYS IT'S UNEXPLAINABLE, ONE THING THAT WE WERE ABLE TO FIND OUT WAS THAT MOST OF THESE FATAL FIRES WERE IN HOMES THAT HAD FIRES WHERE THERE WAS NO WORKING SMOKE DETECTOR. THE MEASURE THAT WE GOT THAT YEAR WAS 1.48. IT'S THE THIRD HIGHEST OF ALL OF THE CITIES THAT WE COMPARED TO. AS A RESULT OF THAT YEAR AND THE REASONS THAT WE FOUND FOR THAT HIGH DEATH RATE, WE PUT A PROGRAM TOGETHER THAT'S CALLED "PUT A FINGER ON IT." IT'S A PUBLIC EDUCATION CAMPAIGN THAT FEATURES OUR SMOKE ALARM MASCOT, FREDDIE THE FINGER. THIS ENCOURAGES --

Mayor Wynn: WHICH FINGER WOULD THAT BE, CHIEF?

[LAUGHTER] SORRY.

Futrell: WE ADJUSTED OUR MESSAGE JUST TO AVOID THAT KIND OF PROBLEM.

WE ACTUALLY HAD A STRONGER MESSAGE AT ONE TIME
[LAUGHTER]

Futrell: WE DID.

SO THE CAMPAIGN ENCOURAGES PEOPLE TO DEVELOP A HABIT OF TESTING THEIR SMOKE DETECTORS EVERY MONTH. WE STARTED THIS CAMPAIGN BACK IN JULY OF 2003. AND IT HAS ALREADY PLAYED A ROLE IN SAVING LIVES. THE NUMBER OF FIRE DEATHS IN AUSTIN DROPPED DRAMATICALLY DURING THE CURRENT FISCAL YEAR. IN THE LAST 12 MONTHS, WE HAVE NOT HAD A SINGLE FIRE FATALITY AND THAT -- WE HAVE NEVER PUT TOGETHER 12 CONSECUTIVE MONTHS BEFORE LIKE THAT. IN ADDITION, WE KNOW OF 11 LIVES THAT CAN BE DIRECTLY ATTRIBUTED TO THE FREDDIE THE FINGER CAMPAIGN BECAUSE PEOPLE TOLD US SO. THAT THEY HAD CHECKED, THEY GOT OUR DOOR HANGER, CHECKED THEIR SMOKE DETECTOR, IT WAS NOT WORKING. THEY FIXED IT. THE ALARM WENT OFF AND SAVED THEM BECAUSE THEY HAD A FIRE. THE FREDDIE THE FINGER CAMPAIGN IS A DIRECT OUTGROWTH OF A PROBLEM IDENTIFIED THROUGH PERFORMANCE MEASURE. ONE FEATURE OF THE CAMPAIGN IS THAT THE LOCAL RESIDENTS CAN SIGN UP ON THE AUSTIN FIRE DEPARTMENT WEBSITE TO RECEIVE MONTHLY E-MAIL REMINDERS TO TEST THEIR SMOKE ALARMS. WE ENCOURAGE EVERYONE TO DO SO. ALSO FREDDIE HAS BEEN PICKED UP BY THE UNITED STATES FIRE ADMINISTRATION AS A BEST PRACTICE MODEL IN FIRE SAFETY EDUCATION. AND TODAY SIX MAJOR CITIES ACROSS THE UNITED STATES AND CANADA ARE ALSO USING FREDDIE TO SAVE LIVES. AS TO THE PROPOSED BUDGET ITSELF, LET ME START WITH A VERY BASIC OVERVIEW. THE TOTAL PROPOSED REVENUE BUDGET IS \$760,000. THE TOTAL PROPOSED EXPENDITURE BUDGET IS \$89,302,000. THE PROPOSED NUMBER OF EMPLOYEES THAT -- THAT THAT BUDGET FINANCES IS 1,149 1,149 F.T.E.S. THAT COULD BE SOMEWHAT MISLEADING BECAUSE 60 OF THOSE POSITIONS ARE POSITIONS THAT WE ONLY FILL WHEN WE HAVE A

CADET ACADEMY. THE TOTAL PROPOSED REDUCTION REFLECTS UP TO \$1.5 MILLION. THE PROPOSED REDUCTIONS IN F.T.E.'S ARE MADE UP OF RECLASSIFYING ONE ASSISTANT CHIEF TO A BATTALION CHIEF POSITION FOR A SAVINGS OF \$24,000. REDUCTION OF ONE ASSISTANT CHIEF POSITION AS A RESULT OF AN ANTICIPATED RETIREMENT THAT'S PROJECTED TO OCCUR IN THE SPRING OF 2005, FOR A SAVINGS OF 65,000. REDEPLOYMENT OF THREE STAFF FIREFIGHTER POSITIONS BACK TO THE FIELD AND ELIMINATION OF FOUR VACANT CIVILIAN POSITIONS. SPECIFICALLY SPEAKING ABOUT THE REVENUES, THAT WE ARE PROJECTING TO PRODUCE IN 2005, THEY ARE GOING TO COME FROM FOUR BASIC SOURCES: INSPECTION FEES AND SERVICES WILL PRODUCE \$317,000. HAZARDOUS MATERIAL PERMITS WILL PRODUCE \$176,000. EXTERNAL SERVICES WILL PRODUCE 262,000. AND MISCELLANEOUS FEES WILL PRODUCE \$5,000. WHICH -- WHICH BRINGS US A GRAND TOTAL OF \$760,000. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

A MAJOR FUNCTION OF THIS SECTION IS THE FIRE INSPECTIONS FUNCTION, WHICH IS NOW DOING ITS PARTS AS A PARTNER IN THE ONE STOP SHOP. THE TOTAL OF THE EXPENDITURES BUDGET IS \$89,302,055. AS YOU CAN SEE, THE FIRE AND EMERGENCY RESPONSE MAKES UP THE BULK OF THOSE EXPENDITURES. THE FIRE DEPARTMENT REDUCTIONS THAT ARE REFLECTED IN THIS PROPOSED BUDGET FOR THE YEAR 2005 ARE A DELAY IN THE OPENING OF THE SPICEWOOD SPRINGS AND FOUR IRONS FIRE STATION TO THE FALL OF 2006, WHICH PROVIDES US A SAVINGS OF \$468,000. ELIMINATION OF FIRST RESPONDER CONTRACTS WITH JOLLYVILLE AND WESTLAKE FIRE DEPARTMENTS GIVES US ANOTHER \$350,000. WE PREDICT AN OVERTIME SAVINGS OF \$100,000, AND WE HAVE THE ELIMINATION OF FOUR VACANT CIVILIAN POSITIONS, WHICH ARE ONE HOMELAND SECURITY ENGINEER, TWO ADMINISTRATIVE ASSISTANTS AND A FITNESS SENIOR SPECIALIST, WHICH GIVES US ANOTHER \$171,000. WE WILL BE REDEPLOYING THREE STAFF FIREFIGHTER POSITIONS FOR \$157,000. AND WE WILL HAVE THE RECLASSIFYING OF ONE ASSISTANT CHIEF POSITION TO A BATTALION CHIEF POSITION, WHICH WILL GIVE US \$24,000. AND WE WILL HAVE

THE REDUCTION OF A SECOND ASSISTANT CHIEF POSITION AS A RESULT OF AN ANTICIPATED RETIREMENT PROJECTED TO OCCUR IN THE SPRING OF 2005 FOR \$65,000. NOW, AT THIS POINT I THINK IT'S REALLY IMPORTANT FOR ME TO POINT OUT THE FACT THAT THESE TWO ASSISTANT CHIEFS THAT WE'RE TALKING ABOUT IN THESE BUDGET REDUCTIONS HAVE BEEN REALLY STELLAR PERFORMERS FOR THIS DEPARTMENT IN THEIR ASSISTANT CHIEF POSITIONS FOR THE PAST THREE YEARS. ASSISTANT CHIEF KEVIN BOLM, AND I'D LIKE YOU TO RAISE YOUR HAND, KEVIN, LET THEM SEE WHO YOU ARE, HE HAS BEEN RESPONSIBLE FOR SEVERAL SUCCESS STORIES FOR THIS DEPARTMENT, ONE OF WHICH IS FREDDIE THE FINGER THAT WE JUST TALKED ABOUT.

AND THE ORIGINAL MESSAGE WE DELETED. [LAUGHTER]

ALSO, ASSISTANT CHIEF RENE GARZA WHO SITS RIGHT NEXT TO HIM IS RESPONSIBLE FOR THE OUTSTANDING RESULTS WE'VE SEEN OVER THE LAST FEW YEARS IN THE HIRING OF MINORITY AND WOMEN FIREFIGHTERS. CHIEF BALM WILL BE RETIRING IN THE SPRING, AND WE'RE GOING TO MISS HIS CREATIVITY AND ANALYTICAL SKILLS AS HE HAS EXHIBITED OVER THE YEARS AS FIRE MARSHAL. CHIEF GARZA WILL BE ALLOWED TO PURSUE HIS OPERATIONAL COMMAND EXPERIENCE THAT HE'S EXPRESSED A DESIRE TO DO AS A BATTALION CHIEF. BUT HE WILL ALSO REMAIN AS A RECRUITING RESOURCE FOR US FOR SOME TIME TO COME. NOW, THERE ARE SEVERAL SIGNIFICANT THINGS THAT THIS PROPOSED BUDGET WILL DO IN THE YEAR 2005. IT WILL OPEN A FIRE STATION IN THE CIRCLE C NEIGHBORHOOD. IT WILL OPEN A FIRE STATION IN THE DEL VALLE NEIGHBORHOOD. IT MAINTAINS TASKFORCE STAFFING IN ALL 43 FIRE STATIONS AROUND THE CITY. IT PROVIDES A SECOND YEAR OF AN INITIATIVE TO UPGRADE FIREFIGHTER BREATHING APPARATUS TO MEET THE NEW REVISED NFPA STANDARDS. AND IT ALLOWS FOR THE PURCHASE OF ONE LADDER TRUCK AND THREE PUMPER TRUCKS. IN OUR CONSTANT EFFORT TO EMPLOY A WORKFORCE THAT ACCURATELY REFLECTS THE DIVERSITY OF THE CITY WE SERVE, WE CAN EASILY LOOK AT THE DEMOGRAPHICS AND SEE THAT WE STILL HAVE A LONG WAYS TO GO. AMONG OUR CIVIL SERVICE FIREFIGHTERS, WE ARE 79% WHITE, 14.6%

HISPANIC, 5.6% AFRICAN-AMERICAN AND LESS THAN ONE PERCENT ASIAN AND OTHER. OUR WOMEN FIREFIGHTERS COMPRISE ONLY FOUR PERCENT OF THE TOTAL FIRE FIGHTING WORKFORCE. IT'S FOR THIS REASON THAT WE CONTINUE TO FOCUS ON THE RECRUITING MINORITY AND WOMEN CANDIDATES FOR SERVICE IN THE AUSTIN FIRE DEPARTMENT. WE DO THIS THROUGH OUR RECRUITING SECTION AND THROUGH PROGRAMS LIKE OUR PASS THE TORCH ACADEMY. OUR CURRENT CADET CLASS DEMONSTRATES HOW WE HAVE IMPROVED IN OUR ABILITY TO ATTRACT QUALIFIED MINORITIES AND WOMEN TO THE DEPARTMENT. CLASS 108 HAS AN ETHNIC COMPOSITION OF 61% WHITE, 19% HISPANIC, 11% AFRICAN-AMERICAN AND EIGHT PERCENT ASIAN AND OTHERS. WOMEN MAKE UP FOUR PERCENT OF THIS CLASS AS WELL. WHILE THE NEED IS STILL GREAT, WE'RE SHOWING SIGNS OF IMPROVEMENT. IN THE YEAR 2000 WE HIRED A CLASS FOR THE SECOND YEAR IN A ROW THAT CONTAINED ONLY 19% MINORITIES AND WOMEN. SINCE THAT TIME WE HAVE WITH THE CITY MANAGER AND CITY COUNCIL'S SUPPORT, WE'VE BEEN ABLE TO DRAMATICALLY INCREASE THE RESOURCES CHANNLED TOWARDS THIS CAUSE. THE RESULTS HAVE BEEN AS DRAMATIC AS THE INVESTMENT. WE RECRUITED CLASSES OF 37, 55 AND 38% OVER THE LAST THREE YEARS. AT THIS TIME I'D LIKE TO CONCLUDE MY PRESENTATION BY THANKING YOU, CITY COUNCIL, CITY MANAGER, FOR YOUR CONTINUED SUPPORT OF THE FIRE DEPARTMENT AS WE EXECUTE OUR MISSION OF PRESERVING LIFE AND PROPERTY IN THE CITY OF AUSTIN.

Mayor Wynn: THANK YOU, CHIEF. COUNCIL, WITHOUT OBJECTION, RECOGNIZING THAT WE'RE WAY BEHIND SCHEDULE, PERHAPS IF WE COULD HOLD OUR COUNCIL QUESTIONS UNTIL OUR PUBLIC HEARING THIS EVENING, IT MIGHT ALLOW US TO GET THROUGH MORE OF THIS BUDGET PRESENTATION. SO WITH THAT, THANK YOU, CHIEF.

THANK YOU.

MAYOR, I WILL BE GOING TO THE E.M.S. DEPARTMENT, RICHARD HARRINGTON, OUR DIRECTOR OF E.M.S., WILL BE REVIEWING HIS BUDGET PRESENTATION. I'D LIKE TO OPEN UP THE E.M.S. PRESENTATION WITH JUST A RECAP OF SOME

OF THE SURVEY RESULTS THAT WE'VE RECEIVED FOR OUR E.M.S. DEPARTMENT. OUR MANS SERVICE, AGAIN JUST LIKE FIRE, ALMOST PERFECT AT 97%. AND THE SIGNIFICANCE OF THE LAST TWO MEASURES, IT'S A TOPIC OF DISCUSSION THAT WE HAVE EVERY YEAR WHEN WE TALK ABOUT SURVEY RESULTS. ONE OF THE QUESTIONS THAT WE ASK OUR RESPONDENTS IS HAVE YOU HAD CONTACT WITH E.M.S. OVER THE LAST 12 MONTHS? WHAT YOU SEE IN THE LAST TWO RESULTS ARE RESPONDENT WHO HAVE ACTUALLY HAD CONTACT WITH OUR E.M.S. DEPARTMENT. OVERALL SATISFACTION WITH E.M.S., THOSE RESPONDENT'S RATED 93% SATISFACTION RATE. AND QUALITY OF E.M.S. SERVICES AT 97%. AGAIN, NOT A SURPRISE. WE CONTINUE TO HAVE A TREMENDOUS DEPARTMENT, AND WITH THAT I TURN IT OVER TO RICHARD HARRINGTON.

MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, GOOD AFTERNOON. I'M RICHARD HA HARRINGTON, THE E.M.S. EXECUTIVE DIRECTOR AND I WILL BE HAVING DR. ED ROCK OUR MEDICAL DIRECTOR STEP UP HERE. THE PROPOSED E.M.S. BUDGET INCLUDES AN ESTIMATED \$18.9 MILLION IN TOTAL REVENUE FOR NEXT YEAR. APPROXIMATELY 99% OF THIS COMES FROM PRIMARILY TWO SOURCES. THE LARGEST SOURCE IS PAYMENTS THAT WE RECEIVE FROM TRAVIS COUNTY FOR PROVIDING E.M.S. AND STARFLIGHT SERVICES OUTSIDE THE CITY OF AUSTIN. THE SECOND LARGEST PORTION IS FEES WE COLLECT FROM PATIENTS, INSURANCE PROVIDERS, MEDICARE, MEDICAID THAT WE PROVIDE DIRECT PATIENT CARE SERVICES FOR. THE PROPOSED OPERATING BUDGET IS \$31.252 MILLION. THIS FIGURE INCLUDES \$29.4 MILLION IN THE GENERAL FUND, 1.1 MILLION IN THE STARFLIGHT REIMBURSED FUND AND 651,000 FOR ONE-TIME PURCHASES. THE TOTAL NUMBER OF E.M.S. EMPLOYEES IN THIS BUDGET IS 387. 330, OR 85% OF THEM, ARE UNIFORMED STAFF. AN ADDITIONAL 57 OR 15% ARE NON-UNIFORMED STAFF. AS RUDY GARZA PREVIOUSLY MENTIONED, SIX POSITIONS ARE BEING ADDED TO THIS BUDGET TO ALLOW E.M.S. TO CONVERT THE TWO BUSIEST CENTRAL CITY STATIONS TO A SHORTER WORK CYCLE. PRESENTLY THE PARAMEDICS WORK A 24 ON DUTY, 48 HOURS OFF DUTY WORK CYCLE. AT THE BUSIEST STATIONS IT'S NOT UNUSUAL FOR THE CREWS TO BE ALMOST

CONTINUALLY GOING FROM ONE CALL TO THE NEXT WITH LITTLE IF ANY DOWNTIME BETWEEN CALLS. THE ADDITIONS OF FOUR PARAMEDICS AND TWO OTHERS WERE ALLOW US TO CUT THE WORK CYCLE IN HALF AT THESE STATIONS, THUS REDUCING THE WORK LOAD. WE'RE ALSO ADDING TWO NON-UNIFORM STAFF. THE FIRST IS A HIPPA POSITION. HIPPA PRIVACY AND REQUIREMENTS REQUIREMENTS HAVE SIGNIFICANTLY INCREASED THE COMPLEXITY OF MANAGING MEDICAL RECORDS. WE HAVE ADDING ONE RECORDS MANAGEMENT PERSON TO MAKE SURE WE ARE COMPLYING WITH HIPPA REQUIREMENTS. THE FINAL POSITION BEING PROPOSED IS AN ACCOUNT TECHNICIAN FOR THE FINANCIAL SECTION. INITIAL CLAIMS DENIALS HAVE INCREASED SIGNIFICANTLY FOR OUR PATIENT CARE ACCOUNTS IN THE LAST TWO YEARS IN ORDER FOR US TO GET PAID BY INSURANCE CARRIERS. THE EXTRA WORK LOAD LOWS DOWN THE PROCESSING OF NEW CLAIMS. WE ANTICIPATE THAT THIS POSITION WILL GENERATE MANY TIMES OVER ITS COST IN ADDITIONAL REVENUE. IN ORDER TO MEET OUR TARGET REDUCTIONS FROM THE FORECAST BUDGET SUBMITTED IN THE SPRING, E.M.S. REDUCED THE FORECAST AMOUNT BY \$1.3 MILLION. THE MAJORITY OF THE REDUCTION COMES FROM DELAYING THE OPENING OF THE E.M.S. PORTION OF THE DEL VALLE E.M.S. FIRE STATION UNTIL FISCAL YEAR 2006. IN THE FORECAST WE HAVE PROPOSED OPENING THE STATION PART TIME IN FISCAL YEAR 2005. WE FEEL THAT WE CAN DELAY THIS ONE YEAR WITHOUT HAVING AN ADVERSE IMPACT ON THE RESPONSE TIMES TO THIS AREA. THE RESIDENTIAL AND COMMERCIAL BUILDOUT THAT WAS ANTICIPATED IN THIS AREA WITH THE OPENING OF THE NEW AIRPORT HAS NOT OCCURRED TO EXTENT ORIGINALLY PROJECTED. COUNCIL APPROVED A FIVE-YEAR LEASE PURCHASE CONTRACT LAST MONTH THAT ALLOWED E.M.S. TO REDUCE OUR CAPITAL REPLACEMENT BUDGET FOR NEXT YEAR FOR CARDIAC MONITORS BY \$182,000. THE E.M.S. WAREHOUSE AND ACADEMY MOVED TO THE MOTOROLA SITE EARLIER THIS SUMMER, THUS ALLOWING US TO ELIMINATE \$24,000 THAT WE PREVIOUSLY ALLOCATED FOR RENT AT MUELLER. AND FINALLY, WITH THE IMPLEMENTATION OF THE KNEW TRUNK RADIO SYSTEM, WE WERE ABLE TO CUT 188,000 OUT OF OUR RADIO SYSTEM SINCE ALL OUR RADIOS ARE BRAND NEW AND UNDER

WARRANTY. E.M.S. IS NOT PROPOSING ANY SIGNIFICANT FEE INCREASES FOR NEXT YEAR. WE HAVE ADDED ONE NEW FEE TO COVER THE COST OF PLAN REVIEWS FOR LARGE EVENTS THAT REQUEST E.M.S. SERVICES. WE ANTICIPATE THIS WILL GENERATE AN ADDITIONAL \$10,000 NEXT YEAR. THE REMAINDER OF THE INCREASES ARE A MULTITUDE OF CHANGES AND FEES WE CHARGE FOR CONDUCTING TRAINING FOR OUTSIDE AGENCIES AND ADJUSTMENTS TO THE ITEMIZED FEES OF SOME FARM LOGICAL AND MEDICAL SUPPLIES. AS I MENTIONED EARLIER, 98.75% OF E.M.S. REVENUE COMES FROM TWO SOURCES. 9.4 MILLION IS THE TRAVIS COUNTY PORTION THEY PAY THE CITY FOR SERVICES. THIS AMOUNT, AS ALWAYS, IS CONTINGENT UPON THE BUDGET WE HAD SUBMITTED TO TRAVIS COUNTY BEING APPROVED BY THE COMMISSIONERS COURT NEXT MONTH DURING THEIR BUDGET ADOPTION. WE ANTICIPATE COLLECTING \$9.3 MILLION IN PATIENT REVENUES FOR THE NEXT YEAR. STAND BY FEES ARE ESTIMATED TO BE APPROXIMATELY \$130,000 FOR FY '05. THESE ARE THE FEES THAT WE CHARGE TO PROVIDE DEDICATED ON-SITE E.M.S. SERVICES TO VARIOUS EVENTS SUCH AS U.T. FOOTBALL GAMES, FRANK ERWIN CENTER VENUES AND OTHER OUTDOOR EVENTS. AN ADDITIONAL \$100,000 WILL BE COLLECTED FOR FEES FOR CONDUCTING CLASSES TO OUTSIDE E.M.S. RESPONDERS, TO PROVIDE CPR CLASSES TO THE LAY PUBLIC AND FEES CHARGED ANNUALLY TO THE NON-AREA FRANCHISE HOLDERS. THIS GRAPHICALLY REPRESENTS THE 99% OF OUR FEES COME FROM TWO SOURCES. THE E.M.S. OFFERING BUDGET NET ONE-TIME EXPENSES IS \$30,600,473. THE LARGEST PIECE OF THE OPERATION IS \$25.2 MILLION, WHICH OPERATIONS INCLUDE EMERGENCY SERVICES, WHICH INCLUDES A 28 GROUND AMBULANCES, SPECIAL OPERATIONS SECTION AND EMERGENCY COMMUNICATIONS OPERATING OUT OF CTEX. TRAINING AND EDUCATION AT 1.6 MILLION INCLUDES A QUALITY ASSURANCE AND IMPROVEMENT SECTIONS AND THE ACADEMY, RECRUITING, CPR AND OUR SAFETY PROGRAM. BILLING A \$1.1 MILLION IS RESPONSIBLE FOR ALL PATIENT BUILDINGS AND FEE COLLECTIONS FOR THE SYSTEM. SUPPORT SERVICES, A 1.4 MILLION INCLUDES ADMINISTRATION AND MANAGEMENT, FINANCIAL MONITORING, BUDGETING, INFORMATION TECHNOLOGY

SUPPORT, HUMAN RESOURCES, COMMUNITY SERVICES AND PURCHASING. THE TRAVIS FUND, AS RUDY MENTIONED EARLIER, PREVIOUSLY THIS FUND INCLUDED THE COST FOR STAR FIGHT SERVICES TO THE COUNTY. A NEW COST MODEL WAS IN THE CURRENT NEGOTIATIONS WITH TRAVIS COUNTY AND IT IS MORE EQUITABLE TO BOTH PARTIES AND FULLY CAPTURES ALL EXPENDITURES AND REVENUES ASSOCIATED WITH PROVIDING THIS SERVICE. WE HAVE MOVED \$7.4 MILLION AND FTE'S FROM THIS FUND TO THE GENERAL FUND BASED ON THE NEW COST ALLOCATION MODEL. THIS FUND NOW ONLY INCLUDES A CITY PART OF THE STARFLIGHT PROGRAM, WHICH IS 12 FLIGHT NURSES, FLIGHT MEDICS AND FLIGHT MANAGER. AS CAN BE SEEN IN THIS PIE CHART, DIRECT PATIENT CARE SERVICES ACCOUNT FOR OVER 86% OF THE E.M.S. PROPOSED BUDGET. OUR BUDGET HIGHLIGHTS, AS I PREVIOUSLY MENTIONED THIS BUDGET INCLUDES \$340,716 FOR THE CONVERSION OF THE TWO BUSIEST DOWNTOWN STATIONS TO SHORTER 12 HOUR WORK SCHEDULE. IT INCLUDES 11111 11,000 TO INCLUDE THE LEASE FOR THE DE FIBRILLATORS AND IT ALSO INCLUDES MONEY FOR CAPITAL REPLACEMENT FOR UPGRADING STRETCHERS WITH NEWER, STURDIER MODELS AND STRETCHERS THAT ALLOW PATIENTS TO BE SAFELY CARRIED DOWNSTAIRS? A SITTING POSITION RATHER THAN HORIZONTAL. THE ONE TIME FUNDING IN THIS BUDGET ALLOWS US TO EXPAND EXISTING LIFE SAVING DEVICES THROUGHOUT CITY FACILITIES. THERE'S \$100,000 AVAILABLE IN THIS BUDGET TO FUND 50 AUTOMATED EXTERNAL DEFIBRILLATORS IN STRATEGIC LOCATIONS LOCATED THROUGHOUT CITY FACILITIES NEXT YEAR. THERE'S AN ADDITIONAL \$430,000 THAT ALLOWS US TO PURCHASE SPECIALIZED MEDICAL EQUIPMENT WHICH WE'RE GOING TO PURCHASE NITROX WHICH IS USED TO ASSIST IN PAIN MANAGEMENT, CONTINUE POSITIVE AIRWAY PRESSURE MASK WHICH ARE USED IN AIRWAY MANAGEMENT AND DEVICES USED TO ADMINISTER VARIOUS FLUIDS AND MEDICATION WHZ MORE TRADITIONAL ROUTES OF ADMINISTRATION ARE NOT AVAILABLE TO PARAMEDICS, ESPECIALLY IN CHILDREN AND INFANTS. ALSO INCLUDED IN THE ONE TIME FUNDING IS \$102,000 FOR EQUIPMENT AND TRAINING SO THAT WE CAN PROVIDE SKID AVOIDANCE TRAINING FOR OUR STAFF. WE DO NOT HAVE THE ABILITY TO

TRAIN THEM IN SKID CONTROL. THERE ARE NOT ANY USABLE SERVICES OR TRACKS TO INDUCE SAFE SKID CONDITIONS. AMBULANCES HAVE A 15 DENT SI TO OVERSTEER, WHICH CAUSES THE REAR END TO SHIFT IN CERTAIN ROAD CONDITIONS, PRIMARILY WET STREETS OR ICY CONDITIONS. WE'VE HAD TWO RESULTS IN THE PAST TWO YEARS CAUSED BY SKIDDING. THAT RESULTED IN DAMAGES IN OVER \$200,000 AND PLUS INJURIES TO THE PARAMEDICS AND PATIENTS. THIS IS -- THIS IS REALLY NOT A TRUCK. IT'S A HYDRAULIC COMPUTERIZED SKID THAT IS MOUNTED TO AN EXISTING AMBULANCE THAT ALLOWS AN INSTRUCTOR TO INDUCE AN ARTIFICIAL SKID AT A VERY LOW SPEED SO THAT THE DRIVER CAN FEEL AND LEARN HOW TO CORRECT SKID CONDITIONS BEFORE THEY BECOME UNCONTROLLABLE. THIS FUNDING ALSO INCLUDES -- THIS ALSO INCLUDES FUNDING TO ALLOW THE TRAINING OF FOUR INSTRUCTORS. RECENT ACCOMPLISHMENTS WITH THE OPENING OF THE NEW COMBINED TRANSPORTATION COMMUNICATIONS CENTER IN OCTOBER, E.M.S. WAS THE FIRST PUBLIC SAFETY TO MOVE IN. I GUESS YOU COULD SAY WE WERE THE BEGIN ANY PIGS, THE BETA TESTERS FOR THE NEW TECHNOLOGY. I THINK IT'S SAFE TO SAY THAT ALL THE OTHER PUBLIC SAFETY AGENCIES THAT MOVED IN REALIZED A LOT OF GAIN FROM THE MISTAKES AND EXPERIENCES AND LESSONS LEARNED THAT WE HAD. WE ALSO WERE THE FIRST DEPARTMENT TO UTILIZE THE NEW COMPUTER AIDED DISPATCH SYSTEM IN APRIL OF THIS YEAR. WE'RE REALLY EXCITED ABOUT THIS SYSTEM BECAUSE WE THINK IT WILL HELP DECREASE OUR RESPONSE TIMES FAIRLY SIGNIFICANTLY BECAUSE IT ALLOWS US TO MUCH MORE ACCURATELY DISPATCH THE AMBULANCES BASED ON GPS AND ACTUAL LOCATIONS. THE THIRD SIGNIFICANT HIGHLIGHT FOR THIS YEAR IS WE OPENED THE NEW FAR SOUTHEAST E.M.S. STATION IN DOVE SPRINGS IN APRIL OF THIS YEAR. KEY PERFORMANCE MEASURES FOR E.M.S. NEXT YEAR IS ESSENTIALLY A MAINTENANCE YEAR FOR US. WE DO NOT ANTICIPATE ANY MEANINGFUL CHANGE IN MOST OF OUR PERFORMANCE MEASURES. WE ANTICIPATE CALL VOLUME GOING UP SLIGHTLY FROM 81,000 TO 82,000. ANOTHER MEASURE, RESPONSES TO LIFE-THREATENING CALLS IN UNDER 10 MINUTES. OUR GOAL IS 10 -- IS 90%. PRESENTLY YEAR AT 81%. WE ANTICIPATE WITH THE NEW

CAD SYSTEM AND THE MCT'S AND THE AMBULANCES BEING ABLE TO MAINTAIN THIS EVEN WITH AN INCREASED CALL VOLUME. THE OTHER TWO BENCHMARKS HERE, DR. ROCK WILL DISCUSS THE CARDIAC ARREST DATA IN A LATTER SLIDE. BENCHMARKING DATA, ONE OF THE ICMA PERFORMANCE MEASURES WE TRACK IS -- THIS IS A LONG ONE, AVERAGE TIME FROM CALL ENTRY TO DELIVERY OF A PATIENT AT A MEDICAL CENTER FOR CALLS REQUIRING AN EMERGENCY RESPONSE. AT 37.78 MINUTES, AUSTIN REFLECTS THE AVERAGE TIME OF WHEN A CALL ENTERS OUR SYSTEM, THE EMERGENCY RESPONSE TIME OF THE AMBULANCE GOING TO THE SCENE, THE TIME SPENT ON THE SCENE TREATING THE PATIENT AND THE TIME SPENT ONCE YOU LEAVE THE SCENE TRANSPORTING THE PATIENT TO THE HOSPITAL. INTERESTINGLY, FROM A MEDICAL PERSPECTIVE, A HIGHER NUMBER DOES NOT NECESSARILY INDICATE WORST PERFORMANCE. IT MAY ACTUALLY BE AN INDICATOR OF MORE APPROPRIATE PERFORMANCE. FOR EXAMPLE, FOR NON-TRAUMATIC PATIENTS, AUSTIN TRAVIS COUNTY E.M.S. MEDICAL PROTOCOLS STRESS ON SEEN PATIENT STABILIZATION PRIOR TO TRANSPORT. OTHER SYSTEMS ADVOCATE A LOAD IN THE AMBULANCE FIRST AND THEN STABILIZE THE PATIENT WHILE IN ROUTE TO THE HOSPITAL. WE BELIEVE OUR METHOD IS ACTUALLY MORE APPROPRIATE. AND FOR THE NEXT SLIDE I'LL TURN IT OVER TO DR. ED ROCK TO TALK ABOUT CARDIAC ARREST AND THE AUTOMATED EXTERNAL DEFIBRILLATORS THROUGHOUT THE CITY.

MAYOR AND COUNCIL, GOOD AFTERNOON. I'M DR. ED ROCK. THE LAST SLIDE IS THE BENCHMARK OF SURVIVAL OF PATIENTS TO A HOSPITAL WHO HAVE BEEN IN CARDIAC ARREST WITH A PULSE. AS YOU CAN SEE, THAT'S 23.7%, WHICH MAKES US ONE OF THE BEST IN THE NATION IN TERMS OF GETTING PATIENTS WHO DO NOT HAVE A PULSE TO A HOSPITAL WITH A PULSE. AND I THINK THERE ARE SEVERAL REASONS THAT THAT NUMBER IS IMPORTANT. THAT IS THE SYSTEM AS A WHOLE THAT INCLUDES INDIVIDUALS WITHIN THE CITY, THE PUBLIC, BYSTANDERS WHO PERFORM CPR, IN TERMS OF OUR EDUCATION PROGRAMS. IT INCLUDES HAVING DEFIBRILLATORS AVAILABLE. IT INCLUDES HAVING THE SKILLS AND RESPONSE

TIMES OF THE PARAMEDICS ON AMBULANCES AND OUR ABILITY TO INTRODUCE NEW TECHNOLOGY. AS PART OF THAT NUMBER, ONE OF THE INITIATIVES IN THIS BUDGET IS TO PLACE 50 AUTOMATED EXTERNAL DEFIBRILLATORS IN CITY BUILDINGS FOR THE PUBLIC TO USE FOR ANY TRAINED RESCUER TO USE. THE MEDICAL LITERATURE HAS CLEARLY DEMONSTRATED THAT THAT MAKES IT A DRAMATIC DIFFERENCE IN SURVIVAL AND THAT'S PART OF THIS PROPOSED BUDGET.

THAT REALLY CONCLUDES OUR PRESENTATION, BUT BEFORE I LEAVE I'D LIKE TO ACKNOWLEDGE THE GREAT CONTRIBUTIONS OF TWO OF MY STAFF. JOHN AUSTIN, OUR FINANCIAL MANAGER, AND HEATHER COOK, WHO IS OPERATING THE COMPUTER. THANK YOU.

THANK YOU, MR. HARRINGTON. AGAIN, COUNCIL, IF YOU DON'T MIND, WE'LL HOLD THE QUESTIONS UNTIL THE PUBLIC HEARINGS THIS EVENING IN ORDER TO GET THROUGH THIS. THANK YOU, GENTLEMEN.

MAYOR AND COUNCIL, NOW WE'LL MOVE ON TO OUR POLICE DEPARTMENT. AND BEFORE WE TURN IT OVER TO CHIEF KNEE, I'D LIKE TO AGAIN REVIEW SOME OF THE CITIZEN RESULTS, SURVEY RESULTS WITH YOU ON THE POLICE DEPARTMENT. ONE OF OUR HIGHLIGHTS BEFORE EVEN READING THE ACTUAL RESULT IS THAT IN EVERY ONE OF THESE SEVEN KEY AREAS THAT WERE ASKED OF THE RESPONSIBILITY ENTS, EVERYONE THAT YOU SEE HAD A MARKED IMPROVEMENT. WHILE WE KNOW WE HAVE AREAS THAT WE WANT TO SEE IMPROVEMENTS AND SEE THOSE NUMBERS BE GREATER, IT'S IMPORTANT TO NOTE THAT WE ARE MAKING PROGRESS. NEIGHBORHOOD POLICING, OVERALL SATISFACTION 77%. AN IMPROVEMENT RATING OF ALMOST 10%, ACTUALLY NINE%. OUR EMERGENCY POLICE RESPONSE SATISFACTION RATING OF 87%, ALSO AN IMPROVEMENT OF ONE PERCENT OVER LAST YEAR. TRAFFIC CONTROL AND ENFORCEMENT, A SATISFACTION RATE OF 58%, AN INCREASE OF ONE PERCENT. THE LAST FOUR, AGAIN THERE'S SOME THAT YOU AND I CAN RELATE TO PERSONALLY AND DIRECTLY, AND IT IMPACTS ALL OF US. THE QUESTION ASKED OF OUR RESPONDENTS IS HOW SAFE DO YOU FEEL WALKING ALONE IN YOUR NEIGHBORHOOD

DURING THE DAY? 95% SATISFACTION, ONE PERCENT IMPROVEMENT OVER LAST YEAR. THE SAME QUESTION IN YOUR NEIGHBORHOOD AT NIGHT, 77% SATISFACTION, AN IMPROVEMENT OF TWO PERCENT. DOWNTOWN, WHICH RECEIVES A LOT OF ATTENTION, WALKING ALONE DOWNTOWN DURING THE DAY, 86% SATISFACTION. A THREE PERCENT INCREASE OVER LAST YEAR. AND FINALLY, HOW SAFE DO YOU FEEL WALKING ALONE IN DOWNTOWN AT NIGHT. CLEARLY AN AREA THAT WE ARE ADDRESSING, A 44% SATISFACTION, BUT MOST IMPORTANTLY, A FIVE PERCENT IMPROVEMENT OVER LAST YEAR'S RESULT. WITH THAT I'LL TURN IT OVER TO POLICE CHIEF STAN KNEE.

GOOD AFTERNOON. I'D LIKE TO PRESENT THE AUSTIN POLICE DEPARTMENT BUDGET. THE PROPOSED EXPENDITURE BUDGET IS 172 MILLION, 0 \$048,290. WE ANTICIPATE GENERATING APPROXIMATELY \$2,217,700 IN REVENUE. ON PROPOSED FULL-TIME EMPLOYEES, THIS BUDGET CONTAINS FUNDING FOR 1386 SWORN. I'LL PAUSE BRIEFLY RIGHT HERE TO REMIND EVERYBODY THAT LAST YEAR WE RECEIVED THE COPS GRANT, WHICH REQUIRED US TO ADD 58 POSITIONS TO THE AUSTIN POLICE DEPARTMENT, BRINGING OUR AUTHORIZED STRENGTH ON PAPER UP TO 1431. THE IDEA WOULD BE THAT AS WE BRING ON ADDITIONAL OFFICERS EACH OF THE NEXT SEVERAL YEARS, WE WOULD BE UTILIZING THOSE GRANT FUNDS, BUT THE FUNDED POSITIONS ARE 1386, ALTHOUGH THE AUTHORIZED POSITIONS WILL BE 1431 AS A RESULT OF THE COPS GRANT. CIVILIAN POSITIONS ARE 576, AND ONE PART-TIME POSITION. AND IN THIS BUDGET IS PROPOSED REDUCTION OF \$1.7075075 THOUSAND AND AN F.T.E. REDUCTION OF THREE AND THREE-QUARTERS CIVILIAN POSITIONS. POLICE EXPENDITURE FACTS, EXPENDITURES BY MAJOR PROGRAM ACTIVITY. NEIGHBORHOOD BASED POLICING, WHICH IS OUR FIRST RESPONDERS, THE PATROL OFFICERS, THE WALKING BEATS, IS \$63,611,955. OUR NEIGHBORHOOD BASED POLICING, OUR PARTNERSHIP PROGRAM AND SUPPORT, WHICH INCLUDES DOWNTOWN RANGERS, DISTRICT REPS, MOTORS, COMMUNITY LIAISONS, ARE \$31,833,474. OUR NEIGHBORHOOD BASED POLICING, WHICH FOR THE FIRST TIME WE PULLED OUT TRAFFIC AS A RESULT OF THE EMPHASIS ON TRAFFIC, WHICH INCLUDES OUR CENTRALIZED

TRAFFIC UNIT AND OUR TRAFFIC MANAGEMENT TEAM, IS \$5,470,528. OUR INVESTIGATIONS IS \$30,645,648. OPERATIONS SUPPORT, WHICH IS COMMUNICATIONS, PLANNING AND ANALYSIS, RECORDS MANAGEMENT, VICTIM SERVICES, IS \$20,405,222. PROFESSIONAL STANDARDS, WHICH IS ACCREDITATIONS, INSPECTIONS, INTERNAL AFFAIRS, TRAINING AND RECRUITING IS \$11 MILLION. AND OUR MANAGEMENT AND SUPPORT SERVICES IS \$8,838,877. THE NEXT IS A CHART THAT REFLECTS BY PERCENTAGES EACH OF THOSE POLICE EXPENDITURE PROGRAMS. YOU WILL SEE THAT A MAJORITY OF THE MONEY IS BEING SPENT DIRECTLY IN LINE, OPERATIONS INCLUDING THE FIRST RESPONDERS WITH 37 PERCENT. AUSTIN POLICE DEPARTMENT PROPOSED REDUCTIONS, THE REDUCTIONS TOTAL 1.7 MILLION. THE LEASE ON SOUTH CONGRESS, THIS IS AN OFFICE SPACE THAT WE HAD USED, BUT WE SINCE RELOCATED THE VITDZ THAT WERE HOUSED THERE. WE DISCONTINUED THROUGH MEET AND CONFER THE SICK LEAVE BUY BACK, WHICH IS A SAVINGS OF \$600,000. WE ELIMINATED 3.75 VACANT POSITIONS. THOSE INCLUDE A FACILITIES COORDINATOR, A BUILDING AND GROUNDS ASSISTANT, A VICTIM WITNESS COUNSELOR, AND AN ADMINISTRATIVE SUPERVISOR AT THREE-QUARTER TIME. WE'VE ALSO REDUCED DEPARTMENTAL OVERTIME AND PERSONNEL EXPENSES BY \$541,602, AND THIS YEAR WE WILL RECEIVE AN INCREASE IN ATTORNEY GENERAL REIMBURSEMENT FOR SEXUAL ASSAULT EXAM FEES OF \$120,000. AND WE'VE REDUCED OUR CONTRACTUALS AND COMMODITIES ABOUT 285,896, FOR A REDUCTION OF \$1,175,775. BUDGET HIGHLIGHTS, THERE ARE FIVE AREAS THAT I WOULD LIKE TO POINT OUT TO THE COMMUNITY AND MAYOR AND COUNCIL. ONE IS THAT IT MAINTAINS OUR 2.0 STAFFING. IT FUNDS 13 OFFICERS TO SERVE ANNEXED AREAS AND INCREASED POPULATION GROWTH. IT IMPROVES OUR ABILITY TO COLLECT EVIDENCE, IMPROVES FORENSICS THROUGH THE PURCHASE OF CAPITAL EQUIPMENT AS WELL AS MATCHING FUNDS FROM THE GENERAL FUND FOR SECOND FORENSIC FIREARM EXAMINER. IN ADDITION TO THAT, A FOCUS ON COMMUNITY EDUCATION AND COMMUNITY RELATIONS, WE WILL BE PURCHASING BETTER LIGHT BARS -- THIS HAS A DIRECT IMPACT ON KEEPING OUR VEHICLE CAMERAS OPERATING BECAUSE THE LIGHT BARS

THAT WE HAVE ON SOME OF THE UNITS DRAIN THE BATTERY SO QUICKLY. AND THAT EVERY MOTOR OFFICER AT THE END OF THIS BUDGET YEAR WILL HAVE ON THEIR MOTOR A CAMERA THAT WILL RECORD THEIR TRAFFIC STOPS JUST AS OUR POLICE CARS HAVE A CAMERA TO RECORD THEIR TRAFFIC STOPS. I MIGHT ADD THAT THIS WAS A REQUEST BY THE MOTOR OFFICERS THEMSELVES. A FOCUS ON TRAFFIC ENFORCEMENT EFFORTS. WE WILL BE CREATING THAT TRAFFIC MANAGEMENT TEAM THAT I TALKED ABOUT EARLIER. WE'LL ALSO BE UTILIZING GENERAL FUND AND CAPITAL METRO BUILD GREATER AUSTIN FUNDING FOR INCREASED ENFORCEMENT HOURS THROUGH GRANTS AND OVERTIME MONIES. HOMEHOMELAND SECURITY. IT'S OUR INTENT, ALONG WITH OUR PARTNERS IN PUBLIC SAFETY AND BUSINESSES IN AUSTIN TO MAINTAIN THE STATUS AS ONE OF THE MOST PREPARED CITIES IN AMERICA. TALKING ABOUT A.P.D. WORK LOAD, 911, 311 CALLS TO THE COMMUNICATION CENTER. WHAT WE'VE SEEN SINCE FISCAL YEAR 2002 IS A SLIGHT DECREASE IN THE NUMBER OF CALLS COMING IN TO THE COMMUNICATIONS CENTER. WE ANTICIPATE THAT THE 1.3 THAT WE ANTICIPATE FOR 2005 MAY EVEN BE LOWER THAN THAT AS A RESULT OF THE CITY MANAGER'S EFFORTS IN CREATING A CITYWIDE 311. WE THINK THAT WILL HAVE A VERY, VERY POSITIVE IMPACT ON OUR WORK LOAD AND POLICE COMMUNICATIONS. ON CALLS DISPATCHED TO THE FIELD UNITS, AGAIN WE HAVE SEEN A DECREASE OVER THE LAST SEVERAL YEARS, WE EXPECT THAT DECREASE TO CONTINUE. AS WE SAW PROBLEMS AND WORK ON AREAS THAT WERE CRIME AND QUALITY OF LIFE WERE ISSUES, WE SEE THAT THE CORRESPONDING CALLS FOR SERVICE TO THOSE AREAS ARE REDUCED OR ELIMINATED. SO WE'RE ANTICIPATING THAT THAT TREND WILL CONTINUE THROUGH 2005. WE TALKED FOR AN HOUR, ALMOST AN HOUR PREVIOUSLY ABOUT VIOLENT CRIME RATE PER THOUSAND POPULATION. OUR HOPE IS THAT BY THE END OF THIS CALENDAR YEAR -- AND THIS IS CALENDAR, NOT FISCAL YEAR, THAT OUR CRIME RATE -- VIOLENT CRIME RATE WILL BE NO HIGHER THAN IT WAS IN 2003. THAT WILL TAKE A LOT OF WORK. WE THINK WE'RE UP TO IT. AND WE ANTICIPATE A FIVE PERCENT REDUCTION WITH THIS APPROVAL OF THIS BUDGET IN 2005. WHEN YOU COMPARE US, OUR VIOLENT CRIME RATE WITH OUR CITIES, TEXAS AND

NATIONWIDE, THAT PARTICIPATE IN THE ICMA REPORTING PROCESS, YOU WILL SEE THAT AUSTIN WITH 4.6 IS AMONG THE SECOND LOWEST IN VIOLENT CRIME OF MAJOR CITIES AND TEXAS CITIES, MAJOR TEXAS CITIES. WITH REGARD TO PROPERTY CRIME RATES PER THOUSAND POPULATION, WE BELIEVE IN 2004 WE WILL END THE CALENDAR YEAR WITH A REDUCTION. WE WILL CONTINUE THE REDUCTION WE'VE SEEN IN THE FIRST SIX MONTHS OF THE YEAR AND CARRY THAT THROUGH FOR THE END OF THE YEAR. AND WE'RE ANTICIPATING A FURTHER REDUCTION IF THIS BUDGET IS APPROVED IN 2005. I WILL ONLY SAY THE PROPERTY CRIME IS PROBABLY SOME OF THE LEAST REPORTED CRIMES IN SOME CITIES. I DON'T BELIEVE THAT'S A FACT HERE IN AUSTIN. I'M NOT USING THAT AS AN EXCUSE FOR BEING IN THE MIDDLE OF THE PACK HERE, BUT CERTAINLY A CITY THAT HAS A HIGH VIOLENT CRIME RATE THAT HAS A LOWER PROPERTY CRIME RATE THAN US CREATES SOME IDEA OF HOW THEIR REPORTING REQUIREMENTS MAY BE. BUT WE ANTICIPATE MOVING BEYOND THE MIDDLE OF THE PACK, IT'S ALWAYS OUR GOAL TO BE THE SAFEST CITY IN AMERICA AND WE BELIEVE THAT THE TREND IS INDICATED OVER THE LAST SEVERAL YEARS AS A DECREASE IN PROPERTY CRIME AND WE'RE GOING TO CONTINUE THAT. POLICE RESPONSE TIMES. THE ESTIMATE FOR 2004 IS SEVEN MINUTES AND 40 SECONDS. THAT IS FROM THE MOMENT THAT THE COMMUNICATIONS PERSON PICKS UP THE PHONE IN THE COMMUNICATIONS CENTER TO THE TIME THAT THE OFFICER GETS AT THE SCENE. YOU WILL SEE ON THE LISTENED LEFT-HAND IN OUR ESTIMATE FOR 2004, ONE MINUTE TO GET THE INFORMATION, WHICH IS EXTRAORDINARILY LOW. A MINUTE TO PROCESS THAT INFORMATION AND FIVE MINUTES AND 40 SECONDS FOR THE OFFICER TO -- ONCE HE GETS THAT CALL TO ARRIVE AT THE SCENE. OUR GOAL FOR THE LAST SEVERAL YEARS HAS BEEN TO REDUCE THAT ENTIRE PROCESS TO SEVEN MINUTES. I BELIEVE THAT WELCOME VERY CLOSE TO ACHIEVING THAT GOAL THIS NEXT BUDGET YEAR. WHEN YOU COMPARE US TO OTHER CITIES ON THE DISPATCH TO ARRIVAL TIME FOR OUR PRIORITY ONE CALLS, CITY OF AUSTIN IS IN THE MIDDLE, WITH ONLY THE CITY OF SAN ANTONIO AND TEXAS A LOWER RATE THAN OUR RESPONSE TIME. AND AGAIN, THIS IS THE RESPONSE TIME IN THIS

CHART FROM THE TIME THE CALL IS RECEIVED BY THE OFFICER, THE TIME IT'S DISPATCHED, TO THE TIME HE GETS THERE. AND AGAIN, I BELIEVE THAT IT WILL BE -- WE'LL BE ABLE TO ACHIEVE OUR GOAL OF FIVE MINUTES IN FISCAL YEAR 2004. AND NEXT FISCAL YEAR. TRAFFIC FATALITIES PER 100,000 POPULATION, WE ANTICIPATE THAT WE WILL HAVE A SLIGHT INCREASE THIS YEAR; HOWEVER, OUR GOAL IN 2005 IS 7.4, I BELIEVE, TRAFFIC FATALITIES PER 100,000 POPULATION BELOW THE THE 2003 TOTAL, WHICH WAS THE LOWEST IN NEARLY A DECADE. TRAFFIC FATALITIES PER 100,000 POPULATION, THE CITY OF AUSTIN IS AT THE LOWER END OF THE SCALE. WHILE THIS PUTS US PERHAPS IN FAVORABLE LIGHT AS COMPARED TO OTHER TEXAS CITIES, 7.6 RATE OF TRAFFIC FATALITIES IS UNACCEPTABLE AND IRREGARDLESS OF WHAT HAPPENS IN OTHER CITIES, WE WILL BE FOCUSING AND WE WILL REDUCE THAT NUMBER. DIVERSITY IN THE POLICE DEPARTMENT IS CRITICALLY IMPORTANT FOR US TO BE ABLE TO REDUCE CRIME AND IMPROVE QUALITY OF LIFE. WE REALIZE THAT. WE WORKED VERY HARD AT ACHIEVING DIVERSITY. THIS CHART DISPLAYS THE DIVERSITY IN THE RECENTLY GRADUATED CLASS, THE 109TH CADET CLASS THAT GRADUATED ON JUNE 18th. 22% HISPANIC, EIGHT PERCENT AFRICAN-AMERICAN, 69 PERCENT WHITE AND ONE PERCENT OTHER. ALSO TO THE RIGHT OF THAT CHART IS THE APPLICANT POOL FOR THE NEXT CLASS THAT WILL BEGIN IN EARLY DECEMBER. AND YOU CAN SEE THAT OUR EFFORTS AT RECRUITING MINORITIES, ESPECIALLY HISPANICS, HAS PAID OFF. THE APPLICANT POOL IS -- HAS INCREASED, THE MINORITY APPLICANT POOL HAS INCREASED, ESPECIALLY UPON -- ESPECIALLY WITH ASIANS AND HISPANICS. DIVERSITY OF A.P.D. COMPARED TO DIVERSITY OF THE CITY OF AUSTIN, TO YOUR LEFT IS THE CHART THAT SHOWS THE CITY OF AUSTIN. TO YOUR RIGHT IS THE A.P.D. SWORN. THAT'S ALL SWORN WITHIN THE DEPARTMENT. THE NEXT CHART JUST BELOW THAT SHOWS A.P.D. SWORN OFFICERS. AND THEN THE THIRD IS A COMBINATION OF A.P.D. SWORN AND CIVILIAN. AS YOU KNOW, WE PLACE GREAT EMPHASIS EACH YEAR THAT WE HIRE RECRUITS AS WELL AS NON-SWORN, THAT THE STATISTICS WILL REFLECT COMMUNITY RACE AS FAR AS IN OUR EMPLOYEE POOL. SO WITH THAT, THAT CONCLUDES MY

PRESENTATION. IF YOU HAVE ANY QUESTIONS HAD...

Mayor Wynn: THANK YOU, CHIEF. I THINK WE'LL HOLD OUR BUDGET QUESTIONS UNTIL THIS EVEN WHEN WE HAVE OUR PUBLIC HEARING. THANK YOU.

MAYOR AND COUNCIL, NOW WE'LL MOVE TO THE LAST DEPARTMENT THAT WILL BE PRESENTED TODAY, AND THAT'S OUR MUNICIPAL COURT DEPARTMENT. THIS PRESENTATION WILL CONSIST OF THREE OF OUR MEMBERS OF THE MUNICIPAL DEPARTMENT, REBECCA STARK, OUR COURT CLERK, GREG TOOMEY, OUR COURT ADMINISTRATOR FOR DOWNTOWN COMMUNITY COURT, AND JUDGE EVELYN MCKEE. BEFORE I TURN IT OVER TO REBECCA, I'D LIKE TO GO OVER TWO OF THESE SURVEY RESULTS THAT ADDRESSED SPECIFIC MUNICIPAL COURT SERVICES. THE OVERALL QUALITY OF MUNICIPAL COURT SERVICES SATISFACTION RATING OF 81%, AN IMPROVEMENT OF TWO PERCENT OVER LAST YEAR. AND THE ACCESSIBILITY OF MUNICIPAL COURT SERVICES, A SATISFACTION RATING OF 87%, A SLIGHT DECREASE IN THE PRIOR YEAR. AS WE TALKED ABOUT LAST WEEK WHEN WE REVIEWED CITYWIDE RESULTS, ACCESSIBILITY IS SOMETHING THAT WE FEEL IS A DIRECT FACTOR OF SOME OF THE REDUCTIONS THAT WE'VE EXPERIENCED OVER THE LAST SEVERAL YEARS. WITH THAT I TURN IT OVER TO REBECCA.

GOOD AFTERNOON, MAYOR AND MEMBERS OF THE COUNCIL. I'M REBECCA STARK, THE CLERK OF THE MUNICIPAL COURT. WITH ME IS THE PRESIDING JUDGE, EVELYN MCKEE, AND THE DOWNTOWN AUSTIN COMMUNITY COURT ADMINISTRATOR, GREG TOOMEY. WE ALSO HAVE OUR FINANCIAL MANAGER, MELANIE MONTEZ IN THE BACK. THE COURT'S PROPOSED REVENUE IS \$17.3 MILLION FOR THREE FUNDS WITH THE GENERAL FUND AT \$16.3 MILLION, THE SECURITY FUND AT JUST OVER \$421,000, AND THE TECHNOLOGY FUND AT JUST OVER \$561,000. THE PROPOSED EXPENDITURES ARE JUST UNDER 9.9 MILLION, INCLUDING \$8.9 MILLION IN THE GENERAL FUND, \$455,350 IN THE SECURITY FUND, \$535,000 IN THE TECHNOLOGY FUND. THERE ARE 552 PROPOSED F.T.E.'S WITH 148 IN THE GENERAL FUND AND FOUR IN THE SECURITY FUND. THE TOTAL PROPOSED REDUCTIONS ARE \$40,000, BUT THIS DOES

NOT INCLUDE OVER \$200,000 IN SAVINGS FROM A MAJOR REVENUE ENHANCEMENT. THE REVENUE ENHANCEMENT IS A COLLECTION FEE OF 30% PROPOSED ON ALL CASES TURNED OVER TO AN OUTSIDE COLLECTION AGENCY. CURRENTLY THE MUNICIPAL COURT HAS A CONTRACT WITH MUNICIPAL SERVICES BUREAU OF AUSTIN TO COLLECT AGED DELINQUENT ACCOUNTS. BY CONTRACT, WHICH WE EXECUTED IN 2002, MUNICIPAL SERVICES BUREAU HAS PAID 20% OF ALL MONIES COLLECTED. IT COMES DIRECTLY OUT OF REVENUE. THE NEW FEE WOULD IN EFFECT PASS THE COLLECTION AGENCY COST ON TO DEFENDANTS INSTEAD OF AFFECTING REVENUE, SAVING THE CITY OVER \$200,000. THE NEW FEE IS AUTHORIZED BY STATE LAW AT A SET AMOUNT OF 30%. IT CAN'T BE HIGHER OR LOWER. TO IMPLEMENT THIS FEE, COUNCIL CONSIDERATION OF AN ORDINANCE AND CONTRACT AMENDMENT WOULD BE NECESSARY. THE COURT'S SPECIFIC REVENUE SERVICES ARE LISTED ON THE FOLLOWING PAGE. AGAIN, THE TOTAL GENERAL FUND PROPOSED REVENUE IS \$16.3 MILLION, WITH TRAFFIC FINES BRINGING IN THE MOST, FOLLOWED BY SPECIAL EXPENSE FEES, THEN PARKING FINES AND MISDEMEANOR FINES. THE SECURITY FUND IS OBTAINED FROM COURT COSTS AND IS PROPOSED AT \$420,000. THE TECHNOLOGY FUND IS ALSO OBTAINED FROM COURT COSTS AND IS PROPOSED AT \$561,000. THESE FUNDS WILL BE ADDRESSED IN MORE DETAIL TOWARDS THE END OF THE PRESENTATION. THE FOLLOWING CHART ILLUSTRATES THE GENERAL FUND REVENUE SOURCES. AS WE CAN SEE, TRAFFIC FINE MAKES UP THE MAJORITY OF THE CHART. THE PROPOSED EXPENDITURES FOR THE MUNICIPAL COURT GENERAL FUND ARE \$8.9 MILLION, WITH THE DOWNTOWN AUSTIN COMMUNITY COURT AT A LITTLE OVER ONE MILLION DOLLARS. THE JUDICIARY AT \$1.34 MILLION, MUNICIPAL COURT OPERATIONS AT \$5 MILLION, SUPPORT SERVICES AT \$1.2 MILLION, AND OTHER REQUIREMENTS, WHICH WILL BE PAY FOR PERFORMANCE, WILL BE ALMOST \$200,000. THE SECURITY FUND'S PROPOSED EXPENSES ARE \$455,000 \$455,000 AND THE TECHNOLOGY FUND'S PROPOSED EXPENSES ARE \$535,000. AND AGAIN, THESE FUNDS WILL BE ADDRESSED IN MORE DETAIL LITTER ON IN THE PRESENTATION. THE NEXT CHART ILLUSTRATES THE GENERAL FUND EXPENDITURES. AGAIN, MUNICIPAL COURT

OPERATIONS IS THE BULK OF THE EXPENDITURES.
PRESIDING JUDGE EVELYN MCKEE WILL NOW ADDRESS THE
JUDICIARY PROGRAM IN MUNICIPAL COURT.

MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, I'M
DELIGHTED TO BE HERE THIS EVENING TO PRESENT THE
JUDICIARY EXPENDITURES AND OUR PORTION OF THE
BUDGET. I AM EVELYN MCKEE, THE PRESIDING JUDGE. THE
PART OF THE BUDGET THAT IS DEVOTED TO THE JUDICIARY
IS ABOUT \$1.3 MILLION. THAT INCLUDES POSITIONS FOR
EIGHT JUDGES AND 3.25 3.25 CLERICAL SUPPORT STAFF. WE
WILL HAVE NO CHANGE IN THE BUDGET THIS YEAR OF THAT
AMOUNT. WE HAVE NO PROPOSED REDUCTIONS. WE ARE --
THE NEXT CHART WILL GIVE YOU A BASIC BREAK DOWN
BETWEEN OUR TWO PROGRAMS. THE CENTRAL BOOKING
PROGRAM AND THE CLASS C PROCEEDINGS ARE ARE TWO
MAJOR FUNCTIONS. CENTRAL BOOKING, THE JAIL TAKES UP
ABOUT A THIRD OF OUR BUDGET. FOR OUR BUDGET
HIGHLIGHTS, OUR KEY BUDGET ITEM IS THAT WE ARE
MOVING INTO THE FOURTH YEAR OF CUTS. WE HAVE
STRETCHED OURSELVES VERY THIN TO HAUL THE LINE. IN
THE FACE EVEN OF ADDITIONAL SERVICE DELIVERY, WHICH
I'LL TALK ABOUT IN THE NEXT SECTION. OUR SERVICE
LEVELS WILL BE MAINTAINED WITH NO ADDITIONAL
BUDGETARY REQUIREMENTS. OUR KEY ACCOMPLISHMENT
FOR FISCAL YEAR 2004 IS THE PILOT PROGRAM, MAKING
GREATER USE OF SUBSTITUTE JUDGES AT CENTRAL
BOOKING. THAT IS UNDERWAY. THE PURPOSE OF THAT IS TO
INCREASE THE TRAINING AND EXPERIENCE OF OUR POOL OF
JUDGES, OF OUR SUBSTITUTE JUDGES, AND IT ALSO
PROVIDES SOME COST SAVINGS. THIS WAS PUT BEFORE
YOU AND APPROVED. WE HAVE ALSO INITIATED ADDITIONAL
DOCKETS. AS A RESULT, AISD IS FILING MOST ELEMENTARY
SCHOOL -- WHAT MOST PEOPLE CALL TRUANCY CASES, BUT
ARE TECHNICALLY PARENTS CONTRIBUTING TO NON-
ATTENDANCE. WE HAVE ASSUMED NEARLY ALL OF THE
ELEMENTARY SCHOOL FILINGS IN AISD. LONG-TERM GOAL IS
TO ESTABLISH GOOD ATTENDANCE HABITS IN THE
STUDENTS. AND IN THE SHORT-TERM TO REDUCE PROPERTY
CRIMES THAT ARE ATTRIBUTABLE TO TRUANTS. THIS IS
CONSISTENT WITH THE A.P.D. GOALS AND WITH THEIR
JUVENILE ACCOUNTABLE PROJECTS. OUR PERFORMANCE

MEASURES FOR '04 THAT I'D LIKE TO BRING TO YOUR ATTENTION, WE DO EXPECT THAT THE TOTAL NUMBER OF CASES IMAGE TRAIT STRAITED OR ARRANGED -- MAGISTRATED OR ARRANGED WILL EXCEED BUDGET. THE NUMBERS ARE GOING UP AT CENTRAL BOOKING. THAT WOULD ALSO BE TRUE OF THE NUMBER OF EMERGENCY PROTECTIVE ORDERS THAT ARE REVIEWED AND APPROVED. THIS IS JUST TWO OF MANY MEASURES THAT WE HAVE. THE REST OF THEM ARE ALL ON TARGET, BUT WE DO EXPECT INCREASED NUMBERS AT CENTRAL BOOKING. AND I'LL NOW TURN OVER THE PRESENTATION FOR DOWNTOWN AUSTIN COMMUNITY COURT TO GREG TOOMEY.

MAYOR, MAYOR PRO TEM, AND MEMBERS OF COUNCIL, THANK YOU FOR THE OPPORTUNITY OF BEING HERE. THE COMMUNITY COURT EXPENDITURE BUDGET THIS YEAR IS \$1,078,766. A BREAKDOWN OF THAT IS COMMUNITY SERVICE RESTITUTION, \$158,569. COMMUNITY SERVICE RESTITUTION INVOLVES THE COMMUNITY SERVICE COORDINATOR, THE COMMUNITY COURT SUPERVISION OF WHAT WILL NOW BE TWO MALE ROWING CREWS THAT WILL BE OUT EACH AND EVERY BUSINESS DAY, AND THE ADMINISTRATION OF SMALLER COMMUNITY SERVICE REQUESTS FOR AN ARRAY OF NONPROFITS AND OTHER CITY DEPARTMENTS. COURT SERVICES IS \$162,701. THE COMMUNITY COURT OPERATIONS COORDINATION IS \$358,565. AND REHABILITATION SERVICES, WHICH INCLUDES THE FULL-TIME EMPLOYEES AND THE SOCIAL SERVICES TREATMENT AND REFERRAL BUDGET IS \$398,931. THERE ARE A TOTAL OF 10 FULL-TIME EMPLOYEES FOR THE COMMUNITY COURTS SCHEDULED FOR THE UPCOMING FISCAL YEAR CYCLE. AND THIS WILL INCLUDE THE ADDITION OF ONE SUPERVISOR TO SUPERVISE THE SECOND RIGHT-OF-WAY CREW. THE TOTAL PROPOSED REDUCTIONS FOR THE COMMUNITY COURT ARE NONE, AND WE'LL AMPLIFY THAT MORE IN JUST A SECOND. THE NEXT SLIDE JUST REPRESENTS A PIE DIAGRAM OF THE COMMUNITY COURT EXPENDITURE FACTS, AND ARE MUCH THE SAME AS I JUST MENTIONED. THE COMMUNITY COURT HIGHLIGHTS THAT WE'D LIKE TO BRING TO YOUR ATTENTION, THE KEY ACCOMPLISHMENTS IN FISCAL YEAR '04 INCLUDE THE EXPANSION OF THE TRRD AL BOUNDARIES TO INCLUDE THE WEST CAMPUS AREA EXCLUSIVE OF THE COLLEGE

CAMPUS ITSELF AND THE SIGNIFICANT PORTION OF THE EAST AUSTIN AREA IN RESPONSE TO NEIGHBORHOOD PRIORITIES. THE BUDGET HIGHLIGHT HERE IS THIS WAS ACCOMPLISHED WITHOUT ANY INCREASE IN THE RESOURCE BASE FOR COMMUNITY COURT. FROM APRIL OF 2004 THROUGH JULY THERE HAVE BEEN APPROXIMATELY 1200 HOURS OF COMMUNITY SERVICE THAT WERE DEDICATED TO RIGHT-OF-WAY MOWING, SIGNAGE REMOVAL, AND I JUST HIGHLIGHT THAT. THAT INCLUDES THE REMOVAL OF OVER 2500 SIGNS TO DATE. LITTER PICK UP AND POWER WASHING IN DOWNTOWN AUSTIN. AND THIS HAS BEEN ACCOMPLISHED THROUGH A COLLABORATION, A PARTNERSHIP AGREEMENT WE NOW HAVE WITH TRAVIS COUNTY PROBATION. APPROXIMATELY 117 ACRES HAVE BEEN MOWED SINCE THE RIGHT-OF-WAY MOWING PROJECT'S INCEPTION IN NOVEMBER OF 2003. OUR TARGET AT THE OUTSIDE OF THAT WAS TO HAVE THIS ACCOMPLISHED IN 21-DAY CYCLES, WHICH WE HAVE DONE, SO WE ARE REPEATING THE MOWING WITH THE FREQUENCY THAT ALLOWS FOR UPKEEP AND A GOOD COSMETIC APPEAL FOR THOSE AREAS. WE'VE HAD 315315 COURSES OF REFERRAL TREATMENT AND SERVICES THAT HAVE BEEN COMPLETED TO DATE THIS FISCAL YEAR. AND WE RECENTLY COMPLETED THE DISTRIBUTED SURVEY OF QUALITY OF LIFE OFFENSES INVOLVING 38 MAJOR METROPOLITAN AREAS. WE'RE ON TRACK TO MEET ALL PERFORMANCE MEASURES, AND WILL EITHER MEET OR EXCEED THE ESTIMATED GOALS. AND FINALLY TO DATE THERE HAVE BEEN OVER 8300 HOURS OF COMMUNITY SERVICE THAT HAVE BEEN PERFORMED DURING THIS FISCAL YEAR CYCLE.

THE TOTAL REMAINING EXPENSES FOR MUNICIPAL COURT TOTAL \$6.3 MILLION, EXCLUDING PAY FOR PERFORMANCE. THIS INCLUDES 10 OPERATIONAL ACTIVITIES AND ALL OF THE SUPPORT SERVICES. THERE IS A PROPOSED TOTAL OF 126.75 F.T.E.'S. WE HAVE A NUMBER OF PART-TIME PEOPLE. THERE ARE NO ADDITIONS OR REDUCTIONS IN STAFFING PROPOSED FOR FISCAL YEAR '05 IN AN EFFORT TO HOLD THE LINE AFTER REDUCING STAFF OVER THE PAST THREE YEARS. A PILOT PROJECT HAS CONFIRMED THE DISCONTINUING POSTAGE PREPAID RETURN ENVELOPES WILL NOT ADVERSELY AFFECT REVENUE, SO THE COURT

SHOULD REALIZE A POSTAGE SAVINGS OF \$40,000 BY IMPLEMENTING THIS PROGRAM FULL TIME FOR A YEAR. THE EFFECT OF THIS PROPOSAL IS THAT CUSTOMERS WHO CHOOSE TO PAY BY MAIL WOULD BE AFFECTED BY HAVING TO PURCHASE STAMPS. IN ADDITION TO -- THIS IS IN ADDITION TO THE REVENUE ENHANCEMENT THAT WE DISCUSSED EARLIER THAT WILL SAVE THE CITY OVER \$200,000 IN COLLECTION SERVICES. THE NEXT CHART ILLUSTRATES THE OPERATIONAL AND SUPPORT SERVICES PROPOSED EXPENDITURES. THE KEY BUDGET ITEMS FOR FISCAL YEAR '05 ARE 30% COLLECTION FEE ON DELINQUENT COURT CASES, THE ELIMINATION OF POSTAGE PREPAID RETURN ENVELOPES AND ALSO THE COURT INTENDS TO IMPLEMENT AN INSURANCE VERIFICATION PROGRAM. THERE WILL BE ADDITIONAL EXPENSES THAT ARE OFFSET BY ADDITIONAL REVENUE IN THIS PROGRAM TO VERIFY THE VALIDITY OF ALL INSURANCE CERTIFICATES SUBMITTED AT PROOF. AT THIS TIME WE DO NOT HAVE THE RESOURCES TO CHECK EVERY ONE THAT'S SUBMITTED. A PILOT PROGRAM INDICATED THAT ABOUT EIGHT PERCENT ARE IN FACT NOT VALID, SO WE WOULD LIKE TO START CHECKING THEM ALL TO ENSURE THAT PEOPLE THAT SHOW UP WITH PROOF OF INSURANCE HAVE VALID INSURANCE. THE KEY ACCOMPLISHMENT IN FISCAL YEAR '04 ARE THAT OPERATIONAL LEVELS HAVE BEEN MAINTAINED FOLLOWING TWO YEARS OF BUDGET REDUCTIONS. THAT NUMEROUS SPECIAL REVENUE AND OPERATIONAL PROJECTS HAVE BEEN SUCCESSFULLY COMPLETED AND THAT SIGNIFICANT AMOUNTS OF TIME HAVE BEEN SPENT ANALYZING COURT PROCESSES AND DEVELOPING IMPROVEMENTS TO ENSURE THE SUCCESSFUL IMPLEMENTATION OF COURT'S CASE MANAGEMENT SYSTEM UPGRADE. TWO MAJOR FINANCIAL PERFORMANCE MEASURES ARE INDICATED ON THE NEXT PAGE FOR FISCAL YEAR '04. THEY ARE THE REVENUE CASE FILE IS EXCEEDING THE PREVIOUS FISCAL YEAR AT 39.60 CENTS. \$39.60. AND THE EXPENDITURES PER CASE TRIAL IS TRENDING LESS THAN THE PREVIOUS YEAR AT \$19.26. THE MAJOR AREA OF CONCENTRATION FOR FISCAL YEAR '05 IS THE SUCCESSFUL IMPLEMENTATION OF THE UPGRADE TO COURT MANAGEMENT SYSTEM, INCLUDING BRINGING DACC ONLINE AND CONVERTING THOUSANDS OF PAPER FILES. THE COURT'S SECURITY FUND IS PROPOSED TO HAVE A

BEGINNING BALANCE OF \$126,000. THE PROPOSED REVENUES ARE ALMOST \$421,000. AND PROPOSED EXPENDITURES ARE JUST OVER \$455,000. THIS LEAVES AN ENDING BALANCE OF \$91,865. THERE ARE FOUR TOTAL F.T.E.'S IN THE SECURITY FUND THERE ARE NO SIGNIFICANT CHANGES, ALTHOUGH A METAL DETECTOR WILL BE INSTALLED IN THE SOUTH SUBSTATION. THE COURT'S TECHNOLOGY FUND IS ESTIMATED TO HAVE A BEGINNING BALANCE OF \$48,000. THERE'S AN ANTICIPATED REVENUE OF JUST OVER \$561,000 AND PROPOSED EXPENDITURES OF \$535,000. FOR AN ENDING BALANCE OF \$74,553. THERE ARE NO F.T.E.'S IN THE TECHNOLOGY FUND. PERSONNEL COSTS ARE NOT ALLOWED BY LAW IN THIS FUND, SO THERE AREN'T ANY F.T.E.'S. THE SIGNIFICANT CHANGES FROM LAST YEAR ARE THE CONTRACTING AND INFLATION OF AN UPGRADE OF THE COURT'S CASE MANAGEMENT SYSTEM. IT WILL BEGIN IN FISCAL YEAR '04 WITH THE FUNDS ENCUMBERED IN THIS YEAR AND WILL CONTINUE THROUGH MOST OF THE BEGINNING OF FISCAL YEAR '05 AND THEN WE WILL BRING THE DOWNTOWN AUSTIN COMMUNITY COURT ONLINE WITH THAT PROGRAM AND THEN CONTINUE CONVERTING FILES. THE UPGRADE IS COSTING IN EXCESS OF \$1.8 MILLION FOR HARDWARE AND SOFTWARE. THERE ARE NO OTHER MAJOR PROJECTS PLANNED FOR FISCAL YEAR '05 IN THE TECHNOLOGY FUND. THE EXPENSES ARE FOR MAINTENANCE, GENERAL EQUIPMENT REPLACEMENT AND LICENSE FEES. AND THIS CONCLUDES OUR PRESENTATION.

Mayor Wynn: THANK YOU, MS. STARK. AGAIN, WE'LL HOLD QUESTIONS FOR LATER. COUNCIL, THAT CONCLUDES OUR BUDGET PRESENTATIONS FROM OUR PUBLIC SAFETY AND MUNICIPAL COURT DEPARTMENTS. AGAIN, WE'RE GOING TO HOLD THE PUBLIC HEARING TO ALLOW CITIZENS TO COMMENT ON THOSE AND OTHERS LATER AND PERHAPS AT THAT TIME WE'LL HAVE OUR INDIVIDUAL QUESTIONS QUESTIONS FOR STAFF. I WANT TO APOLOGIZE TO FOLKS WHO ARE HERE THIS EVENING. OBVIOUSLY WE'RE RUNNING BEHIND SCHEDULE. I'LL SAY THAT WE HAVE FAR FEWER ZONING CASES ON OUR AGENDA THAN IS TYPICAL, IN PART BECAUSE OF THESE BUDGET PRESENTATIONS, SO ALTHOUGH WE MIGHT BE STARTING AN HOUR AND A HALF OR TWO LATER THAN POSTED, MY STRONG SUSPICION IS

WE'LL GET YOU HOME SOONER THAN WOULD BE TYPICAL FOR A COUNCIL MEETING ZONING CASES. AT THIS TIME, COUNCIL, LET'S TAKE UP OUR 3:00 O'CLOCK TIME CERTAIN BOARD OF DIRECTORS -- SO AT THIS TIME I'LL RECESS THIS MEETING OF THE AUSTIN CITY COUNCIL, CALL TO ORDER THIS MEETING OF THE AUSTIN AUSTIN HOUSING FINANCE CORPORATION, OUR 3:00 O'CLOCK TIME CERTAIN AND WELCOME MR. PAUL HILGERS.

THANK YOU, MR. PRESIDENT. I AM PAUL HILGERS WITH THE AUSTIN AUSTIN HOUSING FINANCE CORPORATION. WE HAVE THREE ITEMS TO BRING BEFORE YOU TODAY AND WE'LL TRY TO GIVE YOU -- GIVE YOU BACK SOME OF YOUR TIME AND MOVE THROUGH THESE QUICKLY. AHFC ITEM NUMBER ONE IS TO APPROVE THE MINUTES OF THE JUNE 24TH, 2004 BOARD MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

SO MOVE.

Mayor Wynn: MOTION BY BOARD MEMBER DUNKERLEY. I'LL SECOND THAT TO APPROVE THE AHFC ITEM 1, OUR MINUTES FROM THE LAST MEETING. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO, WITH THE VICE-PRESIDENT GOODMAN AND BOARD MEMBER MCCracken OFF THE DAIS.

THANK YOU. AHFC ITEM NO. 2 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A 13-MONTH PRICE AGREEMENT WITH TWO, 12-MONTH EXTENSIONS WITH GATZMEYER CONSTRUCTION, AUSTIN, JMAC BUILDERS, AUSTIN, TEXAS, ON CALL MANAGEMENT, SUN STRIP OF AUSTIN, TEXAS, FOR ARCHITECTURAL BARRIER REMOVAL SERVICES FOR HOMES OF PERSONS WITH DISABILITIES AND ELDERLY PERSONS UNDER THE ARCHITECTURAL BARRIER REMOVAL PROGRAM FOR A TOTAL AMOUNT FOR THE FOUR CONTRACTS NOT TO EXCEED \$698,202 FOR THE 13-MONTH

PRICE AGREEMENT AND \$644,495 FOR EACH OF THE 12 MONTH EXTENSIONS. THIS THE EFFECT OF THIS ACTION BY THE BOARD IS TO ALLOW US TO FOCUS THE EFFORTS OF OUR ARCHITECTURAL BARRIER REMOVAL PROGRAMS IN THESE FOUR CONTRACTORS THAT WILL LOY PROI US GREATER EFFICIENCY TO PROVIDE SERVICES TO A PROGRAM THAT HAS BEEN A VERY HIGH PRIORITY FOR THIS CITY FOR MANY YEARS. SO IF THERE ARE ANY QUESTIONS, I'D BE GLAD TO ANSWER THEM.

Mayor Wynn: THANK YOU, MR. HILGERS. NOT ONLY A HIGH PRIORITY, BUT A REKNOWNED PROGRAM WITH LOTS OF PAST SUCCESS STORIES.

YES, SIR.

Mayor Wynn: BOARD MEMBERS, ANY QUESTIONS, COMMENTS ON AHFC 2? HEARING NONE, I'LL ENTERTAIN A MOTION. MOTION MADE BY BOARD MEMBER ALVAREZ. I'LL SECOND THAT TO APPROVE AHFC 2, THE EXECUTION OF THESE CONTRACTS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH VICE-PRESIDENT GOODMAN AND COUNCILMEMBER McCRACK MEN OFF THE DAIS.

THANK YOU, AGAIN, MR. PRESIDENT. AHFC ITEM NUMBER 3 IS TO APPROVE AN AMENDMENT TO THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION PROGRAM FORGIVABLE LOAN AGREEMENT WITH ONE OF OUR MOST SUCCESSFUL COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS, AUSTIN HABITAT FOR HUMANITY. BY INCREASING THEIR LOAN AMOUNT TO \$100,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$285,000 FOR THE ACQUISITION, DEVELOPMENT AND CONSTRUCTION OF 11 AFFORDABLE SINGLE-FAMILY HOMES FOR LOW AND MODERATE INCOME FIRST-TIME HOME BUYERS IN THE MONTOPOLIS NEIGHBORHOOD. AS YOU KNOW, HABITAT FOR HUMANITY IS NATIONALLY REKNOWNED, BUT ALSO LOCALLY REKNOWNED FOR THE WORK THAT THEY DO IN PROVIDING VERY LOW COST HOME

OWNERSHIP OPPORTUNITIES TO FAMILIES WHO WOULD NEVER HAVE AN OPPORTUNITY TO GET INTO THOSE HOMES WITHOUT THE SERVICES THEY PROVIDE. WE HAVE THE EXECUTIVE DIRECTOR, MICHAEL WILLARD, WHO HAS BEEN HERE AND SUNNY ALEXANDER, WHO KEEPS US ALL IN LINE. IF THERE ARE ANY QUESTIONS OF HABITAT, STAFF IS PROUD TO BRING THIS ITEM TO YOU FOR YOUR APPROVAL.

Mayor Wynn: THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, COUNCIL? BOARD MEMBERS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM A HFC 3.

Thomas: MOVE APPROVAL, MR. PRESIDENT.

Mayor Wynn: THANK YOU. MOTION MADE BY BOARD MEMBER THOMAS, SECONDED BY BOARD MEMBER DUNKERLEY TO APPROVE THE HABITAT FOR HUMANITY FORGIVABLE LOAN PROGRAM. FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES AGAIN ON A VOTE OF FIVE TO ZERO.

THAT IS ALL THE ACTION TO BRING BEFORE THE AUSTIN HOUSING FINANCE CORPORATION TODAY, MR. PRESIDENT.

Mayor Wynn: THANK YOU. WITHOUT OBJECTION, BOARD MEMBERS, I'LL ADJOURN THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION, CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WITH A QUORUM BEING PRESENT. OKAY. AT THIS TIME WE CAN NOW TAKE UP OUR 4:00 O'CLOCK ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS, RECOGNIZING THAT IT'S 5:15 AND WE BREAK AT 5:30 FOR LIVE MUSIC AND PROCLAMATIONS. PERHAPS WE CAN GET THROUGH OUR -- IF THERE IS A CONSENT AGENDA FOR EITHER THE ZONING CASES AND/OR THE SECOND AND THIRD READING CASES, IF WE COULD TAKE UP THAT, I THINK THERE MIGHT BE A RECOMMENDATION OR TWO FOR POSTPONEMENT THAT WE CERTAINLY COULD SEND SOME FOLKS HOME AND WE'LL GET THAT DONE AND LIKELY BREAK

FOR LIVE MUSIC AND PROCLAMATIONS. WELCOME MS. GLASGO.

GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS, ALICE GLASGO, DIRECTOR OF NEIGHBORHOOD PLANNING AND ZONING. OUR ZONING CASES FOR TODAY ARE AS FOLLOWS: ITEM NUMBER 45 IS CASE C-14-20301, NAMELY THE PIONEER HILL TRADITIONAL NEIGHBORHOOD DISTRICT, ALSO REFERRED TO AS A TND. THIS IS IS FOR SECOND AND THIRD READINGS FOR THIS CASE AND IT IS LOCATED ON EAST DESSAU ROAD. THE EXISTING ZONING IS INTERIM RURAL RESIDENTIAL AND THE APPLICANT IS SEEKING TND ZONING. IT'S RECOMMENDED FOR YOUR APPROVAL. MAYOR, I AM GOING TO SKIP ITEMS 46 THROUGH 51 BECAUSE THEY'RE ALL DISCUSSION AND I WILL OFFER ITEMS Z-1 AND Z-2 FOR POAVMENT. WE RECEIVED A REQUEST FROM ADJOINING PROPERTY OWNERS. THIS IS THEIR FIRST REQUEST FOR POSTPONEMENT, ITEMS Z-1 AND Z-2 TO AUGUST THE 12TH.

Mayor Wynn: SO ITEM Z-1 AND Z-2 FOR POSTPONEMENT?

POSTPONEMENT TO AUGUST THE 12TH. IT'S A FIRST REQUEST FROM PROPERTY OWNERS IN CLOSE PROXIMITY TO THE SUBJECT INDICATIONS.

Mayor Wynn: THANK YOU.

MAYOR, THAT CONCLUDES THE CONSENT AND PROAMENT REQUESTS UNDER THE SECOND AND THIRD READINGS AND THE 4:00 O'CLOCK. >>

Mayor Wynn: MISS GLASGO, EARLIER THIS MORNING DURING THE CHANGES AND CORRECTIONS, I DON'T HAVE IT HERE IN FRONT OF ME, BUT I BELIEVE WE NOTICED THAT STAFF WOULD BE REQUESTING POSTPONEMENT FOR ITEM 46. IS THAT STILL THE CASE?

YES, ON 46 WE WANTED TO POSTPONE THIRD READING UNTIL AUGUST THE 12TH. AND WE WERE GOING TO WALK YOU THROUGH THAT -- THROUGH THE MOTION SHEET FOR ALL THE ITEMS RELATED TO THE NORTH UNIVERSITY IF YOU WANTED TO DO THAT. WOULD IT BE EASIER TO DO THAT? WE HAVE A MOTION SHEET THAT'S LAID OUT TO ADDRESS 46

THROUGH 51.

Mayor Wynn: BUT AGAIN, WHAT WE READ -- WE ANNOUNCED THAT WE WOULDN'T TAKE ACTION UNTIL AFTER 4:00 O'CLOCK, BUT THE NOTICE THAT WE GAVE FOLKS THIS MORNING REGARDING ITEM 46 WAS THAT IT BE POSTPONED?

CORRECT. THAT IS CORRECT. YOU'RE STILL CORRECT.

Mayor Wynn: BUT ARE YOU SUGGESTING WE'RE ACTUALLY GOING TO WALK THROUGH IT?

AND THEN YOU CAN POSTPONE IT. I DON'T KNOW IF YOU HAVE ANY OTHER POSTPONEMENTS. UNDER THAT GROUPING OF ITEMS. YOU CAN CERTAINLY IF YOU WANT TO GO AHEAD AND POSTPONE IT NOW, THAT'S OKAY.

Mayor Wynn: OKAY. WELL, OUR HOPE WAS TO GET SOME PEOPLE THE ABILITY TO GO HOME HERE BEFORE WE TAKE OUR BREAK.

ALTHOUGH I THINK THE FOLKS HERE FOR THAT ITEM ARE HERE FOR ALL THE OTHERS TOO. I DON'T THINK THEY'RE GOING TO GO HOME YET. [LAUGHTER] SORRY, MAYOR. WE'RE TRYING.

Mayor Wynn: I KNOW. OKAY. SO COUNCIL, WE HAVE A PROPOSED CONSENT AGENDA AS FOLLOWS: ITEM 45 FOR PIONEER HILL TND APPROVAL FOR SECOND AND THIRD READINGS. AND ITEM Z-1 AND Z-2 FOR POSTPONEMENT TO AUGUST 12TH, 2004. I'LL ENTERTAIN A MOTION.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. I'LL SECOND THAT TO APPROVE THE ZONING CONSENT AGENDA AS READ, WHICH IS ITEMS 45, SECOND AND THIRD READING, AND THE POSTPONED Z-1 AND Z-2 TO AUGUST 12TH, 2004. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO WITH THE MAYOR PRO TEM AND COUNCILMEMBER MCCRACKEN TEMPORARILY OFF THE DAIS. SO TWO PEOPLE GET TO LEAVE, RIGHT? [LAUGHTER] FOUR, FIVE! DROPPING LIKE FLIES. COUNCIL, RECOGNIZING THAT WE HAVE 10 MINUTES BEFORE OUR BREAK, PERHAPS STAFF MIGHT HAVE A RECOMMENDATION AS TO THE SEQUENCE THAT OTHERWISE YOU ALL ARE GOING TO WALK US THROUGH ON ITEMS 46 THROUGH 51, SOME OF THEM BEING -- ONE OF THEM BEING AN OVERLAY, OTHER ONE BEING A COMBINED NEIGHBORHOOD PLAN AS WELL AS AN INDIVIDUAL ZONING CASE.

CORRECT. THE WAY WE PLAN TO PROCEED WITH THE ITEMS WAS TO -- LIKE WE INDICATED, WE HAVE A BIG MOTION SHEET FOR YOU, AND I DID NOT WANT TO SPOIL THE ORDER. FOR ITEM 46 ON THE MOTION SHEET WE ARE REQUESTING A POSTPONEMENT TO AUGUST THE 18th. AND THEN WE WERE GOING TO FWED AND WALK YOU THROUGH SECOND AND/OR THIRD READING, PROBABLY SECOND READING ON ITEMS -- ON THE REZONING CASES FOR THE THREE NEIGHBORHOOD PLANNING AREAS, WEST UNIVERSITY, NORTH UNIVERSITY AND HANCOCK. 47, THE NORTH UNIVERSITY NEIGHBORHOOD OVERLAY IS ON FOR THIRD READING. ITEM 48, WHICH IS THE HOUSE OF TUTORS, IS ON FOR SECOND AND THIRD. WE THOUGHT YOU COULD HEAR THOSE ONE AFTER THE OTHER. AND THAT'S THE ORDER WE WERE CONSIDERING WALKING YOU THROUGH THOSE ITEMS. WHEN YOU'RE READY.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN A SUGGESTION BASED ON OUR TIMING AND THE SEQUENCE OF WHAT WE'RE TRYING TO ACCOMPLISH HERE. COUNCILMEMBER SLUSHER.

Slusher: I'VE GOT A SUGGESTION ON 47, THE UNO, WHICH IS UP FOR THIRD READING, AND I HAVE A FEELING SOME PEOPLE AREN'T GOING TO LIKE MY SUGGESTION, BUT I'M GOING TO RECOMMEND THAT WE POSTPONE THIS AND NOT ACT TONIGHT. I WOULD CERTAINLY BE OPEN AND THINK IT'S VISIBLE TO HAVE -- ADVISABLE TO HAVE SOME DISCUSSION ON IT TONIGHT, MAYBE EVEN A SHORT MINI WORK SESSION, BUT LET ME EXPLAIN WHY I'M MAKING THIS PROPOSAL. I

THINK THIS IS ONE OF THE MOST IMPORTANT DECISIONS WE'RE GOING TO MAKE FOR THE FUTURE OF THE CITY. WE MAKE THEM ALL THE TIME, BUT CERTAINLY THIS YEAR IS ONE OF THE MOST IMPORTANT. AND IT'S ONE OF THE MOST DRAMATIC CHANGES WE'VE SEEN IN A LONG TIME. AND WE NEED TO GET IT RIGHT. THERE'S A LOT AT STAKE HERE AND THERE'S A LOT OF ON ISSUES THAT ARE STILL SWIRLING AROUND UNSETTLED, THE HEIGHT AT VARIOUS LOCATIONS, WHY ONE PLACE IS ONE SIZE AND ONE IS ANOTHER, THAT SORT OF THING. I UNDERSTAND IT'S BEEN THROUGH A LENGTHY PROCESS OF THE CITIZENS AND NEIGHBORHOOD GROUPS WORKING WITH LANDOWNERS AND THAT SORT OF THING. I THINK THEY'VE DONE AN EXCELLENT JOB IN PROVIDING A FRAMEWORK FOR SOMETHING THAT'S GOING TO BE REALLY GOOD FOR THIS CITY, AND PARTICULARLY FOR THE CAMPUS AREA AND THE CENTRAL AUSTIN NEIGHBORHOODS. WE'VE GOT THE HEIGHT, WE'VE GOT AFFORDABLE HOUSING, WHICH I DON'T THINK IS NAILED DOWN YET. WE'VE GOT TRANSPORTATION ISSUES WHICH WE NEED TO THINK THROUGH. WE HAVE VARIOUS INTERESTS AT STAKE, LANDOWNERS, NEIGHBORHOOD REPRESENTATIVES, THE STUDENTS. SO I THINK IT'S REALLY IN THE CITY'S BEST INTEREST TO SLOW THIS DOWN A LITTLE BIT AND LET'S LOOK AT IT. COUNCILMEMBER DUNKERLEY AND I WERE IN THE WEST CAMPUS AREA YESTERDAY BUT BECAUSE OF ALL THE OTHER VARIOUS THINGS WE HAVE TO FACE, WE DIDN'T GET TO STAY AS LONG AS I WOULD LIKE. I'VE HAD SOME COMMUNICATION FROM NEIGHBORS SAYING PLEASE -- I DON'T KNOW IF THEY SENSED WHAT I WAS DOING OR WHAT I WAS THINKING ABOUT DOING OR WHAT. SAID PLEASE GET THIS OVER WITH. WE WANT TO GO BACK TO OUR LIVES. WE'VE BEEN WORKING ON THIS A LONG TIME. AND I'M SYMPATHETIC TO THAT, BUT OUR RESPONSIBILITIES IS UP HERE AS REPRESENTATIVES OF ALL THE CITIZENS IN THE CITY AND ARE FRANKLY MUCH GREATER THAN THAT. AND SOMETHING THIS IMPORTANT, WE NEED TO MAKE SURE WE GET IT RIGHT. AND I JUST DON'T THINK WE HAVE HAD THE OPPORTUNITY TO CARRY OUT OUR RESPONSIBILITY OF LOOKING AT THIS FROM EVERY SINGLE DIRECTION WE CAN TO MAKE SURE THAT WE MAKE THE BEST DECISION WE CAN FOR THE CITIZENS. SO I WOULD SAY PUT IT OFF UNTIL THE SECOND COUNCIL MEETING FROM NOW, WHICH WOULD BE

THE 26TH. IF COUNCILMEMBERS DON'T WANT TO TAKE THAT LONG, I'D BE OPEN TO NEXT WEEK, BUT I THINK IT WOULD MAKE MORE SENSE TO PUT IT OFF TO THE 26TH. THEN ON THE OTHER ONES, I WOULD JUST FOR A SUGGESTION, ONE THING THAT WE DIDN'T GIVE ANY ATTENTION TO THE FIRST TIME WE DID THE ZONING WAS THE CONTESTED CASES. IT WAS LATE AT NIGHT. WE HAD BEEN THROUGH THE UNO AND THE NON-CONTESTED CASES, SO WE JUST PASSED IT WAS THE PLANNING COMMISSION RECOMMENDATION ON THE CONTESTED CASES. SO I THINK WE OWE IT TO THOSE TO GO THROUGH THOSE ONE BY ONE. IT WON'T BE THAT MUCH FUN FOR US, BUT WE CAN'T NOT DO THAT. SO I THINK WE OWE IT TO CITIZENS TO GO THROUGH THOSE. I'D BE WILLING TO LOOK AT THAT TONIGHT. I'LL THROW THAT OPEN FOR DISCUSSION WITH OTHER COUNCILMEMBERS, PROBABLY DO WHAT MRS. GLASGO SAID ABOUT THE OTHER NAIPZ, DO O. -- NEIGHBORHOOD PLANS, DO THAT ON SECOND READING. BUT I DON'T WANT TO PASS ANYTHING, AT LEAST THE UNO I DON'T WANT TO PASS FINALLY TONIGHT. AND I THINK IF WE DON'T DO THAT, I THINK WE OUGHT TO POSTPONE THE HOUSE OF TUTORS CASE AS WELL.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: I AGREE WITH THAT. I'D LIKE TO SEE THE HOUSE OF TUTORS' CASE POSTPONED TOO. AND I THINK THE OTHER ISSUE THAT WE REALLY NEED TO HAVE SOME TIME TO DISCUSS IS THE VARIOUS PARKING RECOMMENDATIONS BECAUSE WE'VE HAD SEVERAL, AND I THINK THERE'S JUST ENOUGH FLOATING AROUND THAT NOT ALL OF US HAVE GRASPED TOTALLY HOW THEY ALL FIT TOGETHER. SO IF WE COULD ADD THAT TO THE LIST, THAT WOULD BE HELPFUL.

Slusher: I AGREE WITH YOU, I JUST LEFT THAT ONE OFF MY LIST. I APOLOGIZE.

Mayor Wynn: OKAY. THANK YOU, COUNCILMEMBER SLUSHER AND DUNKERLEY. I AGREE ABOUT THE CONCEPT OF THE NEED TO, ONE, HEAR MORE OF THE DETAILS PARTICULARLY OF THESE CONTESTED CASES THIS EVENING, BUT I TOO WOULD NOT BE PREPARED TO TAKE ACTION TONIGHT. BASED ON THAT AND JUST RECOGNIZING AGAIN, FOLKS, THE FACT THAT WE HAVE SO FEW ITEMS -- ZONING ITEMS ON

OUR AGENDA AS FRUSTRATING AS IT IS FOR US TO BE STARTING TWO HOURS LATER THAN WE'RE POSTED, I PROMISE YOU I THINK WE'LL GET HOME EARLIER TONIGHT THAN WOULD BE NORMAL. WITH FOUR MINUTES TO GO BEFORE OUR BREAK, I WILL WITHOUT OBJECTION I'LL SUGGEST THAT WE RECESS THE CITY COUNCIL MEETING FOR OUR LIVE MUSIC AND PROCLAMATIONS AND HAVE MISS GLASGO GIVE THE PRESENTATION AS SOON AS WE GET BACK FROM THE BREAK. EXCUSE ME, COUNCIL, THERE IS OBJECTION.

FROM OUR ATTORNEY? COUNCIL, IF YOU REMEMBER EARLIER IN EXECUTIVE SESSION, WE HEARD ITEM NUMBER 38 RELATED TO LEGAL ISSUES IN THE MICHAEL KING ET AL VERSUS THE CITY OF AUSTIN. DID COUNCILMEMBER THOMAS LEAVE THE DIAS?

MAYOR, I'M SORRY.

Mayor Wynn: YES, MS. GLASCO.

BEFORE WE BREAK FOR PROCLAMATIONS, COULD WE GO AHEAD AND CONSIDER THEN POSTPONING 46, 47 AND 48?

MY UNDERSTANDING IS THAT WE'RE GOING TO HAVE SOME OF THE DISCUSSION BECAUSE SOME OF THE CONTESTED CASES WILL HAVE AN IMPACT ON OUR VOTE. WE'RE JUST ANNOUNCING NOW WE'RE NOT GOING TO TAKE ACTION ON THESE UNTIL LATER, BUT I DON'T THINK IT WOULD BE APPROPRIATE FOR US TO TAKE ACTION POSTPONE THEM AND STILL HAVE DISCUSSION LATER.

MAYOR, THE CONTESTED CASES ARE RELATED TO ITEMS 49 THROUGH 51. AND I DON'T -- THE ONLY CONTESTED CASE IS RELATED TO 47 IS 48, THE HOUSE OF TUTORS. UNLESS IT'S SOMETHING --

Slusher: I THINK WHAT WE COULD DO IS SAY WE'RE GOING TO POSTPONE 46 AND 48, AND THEN ON UNO, I WOULD LIKE FOR COUNCILMEMBERS TO BE ABLE TO DISCUSS THAT A LITTLE MORE, SO WE'LL KICK AROUND SOME OF THOSE ISSUES. IF YOU'RE WILLING. SO MAYBE -- I'LL MOVE TO POSTPONE 46 AND 48 NOW IF THAT'S OKAY, MAYOR. WHAT ARE YOU YOU

RECOMMENDING ON 46?

46 TO AUGUST THE 12TH. AND THEN 48 JUST -- I HEARD YOU SAY THAT YOU WANTED -- ONCE YOU HEAR COMMENTS ON 47, ON UNO, THAT YOU WANTED TO POSTPONE THAT TO AUGUST THE 26TH. >>

SLUSHER: I DID SAY THAT. COUNCILMEMBER DUNKERLEY, WOULD YOU WANT TO DO THE HOUSE OF TUTORS THAT SAME EVENING OR THE NEXT WEEK AFTER THAT?

Dunkerley: THE WEEK AFTER THAT WOULD BE FINE.

Slusher: OKAY. SO THAT WOULD BE --

THE 26TH IS YOUR NEXT MEETING.

Slusher: SEPTEMBER SECOND. DO WE MEET?

YOU'RE MEETING ON THE TWIKTH OF AUGUST.

Slusher: I KNOW. WHAT ABOUT THE SECOND OF SEPTEMBER? WE DO. I'D MOVE TO POST PUNISH 46 UNTIL AUGUST 26TH AND 48 TO SEPTEMBER SECOND.

Mayor Wynn: OKAY. WE HAVE A MOTION ON THE TABLE --

Slusher: WAIT. SHE HAD AUGUST -- ON THE 26TH WAS -- I GOT THAT CONFUSED WITH THE ONE I WAS GOING TO VOTE ON LATER. IT'S AUGUST 12TH FOR 46. 47 WE'RE GOING TO DISCUSS WHEN WE GET BACK, BUT WE'VE HEARD THREE PEOPLE SAY THEY DON'T WANT TO ACT ON IT TONIGHT. BUT 48 WE WOULD POSTPONE UNTIL SEPTEMBER SECOND.

Mayor Wynn: MOTION ON THE TABLE BY COUNCILMEMBER SLUSHER TO POSTPONE ITEM 46 TO AUGUST 12TH, 2004, AND ITEM 48 TO SEPTEMBER SECOND, 2004, SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE

TO ZERO. COUNCILMEMBER SLUSHER, IF YOU COULD HANG WITH US FOR A SECOND, WE'LL EXCUSE COUNCILMEMBER THOMAS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

ITEM NO. 42 IS ABOUT A BACK PAY CASE. AN INTERPRETATION OF STATE CIVIL SERVICE LAW THAT RELATED TO WHETHER OR NOT TIME SPENT BY POLICE OFFICERS AND THE POLICE ACADEMY SHOULD BE USED IN CALCULATING THEIR LONGTY PAY. THE COURTED ENTERED A JUDGMENT SLIGHTLY LESS THAN \$4 MILLION. THE NEGOTIATED SETTLEMENT IS TO SETTLE ALL OF THE CLAIMS FOR THE A TOTAL AMOUNT OF 277\$2,776,000 PLUS COURT COSTS. AGAIN, THIS IS SOMETHING THAT -- THAT RELATES TO THE PERIOD OF 1992 TO 1998 AND THE SITUATION HAS BEEN REMEDIED. IT'S OUR RECOMMENDATION, COUNCIL, THAT THE SETTLEMENT BE APPROVED.

Mayor Wynn: THANK YOU, MR. SMITH.

Slusher: SO MOVED.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NO. 42 AS OUTLINED BY THE CITY ATTORNEY. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5-0, MAYOR PRO TEM OFF THE DAIS. AND PLEASE SHOW COUNCILMEMBER THOMAS AS HAVING RECUSED HIMSELF FROM THIS ACTION AND VOTE. COUNCIL, WITH THAT, WE WILL NOW BREAK FOR LIVE MUSIC AND PROCLAMATIONS, DURING OUR BREAK, WE WILL BE ALSO IN EXECUTIVE SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.072 OF THE OPEN MEETINGS ACT TO DISCUSS REAL ESTATE MATTERS RELATED TO ITEM NO. 41, THE OLD AUSTIN RECREATION CENTER. WE ARE NOW IN CLOSED SESSION. THANK YOU. HIROSHIMA, HEREBY HEREBY, HEREBY, DECLARE,.

OF COURSE, FOLKS, CAN I HAVE YOUR ATTENTION,
WELCOME BACK TO THE CITY COUNCIL, OUR WEEKLY LIVE
MUSIC VENUE. I PROMISE YOU, I DON'T WRITE THESE
INTRODUCTIONS. [LAUGHTER]

NEITHER DO I.

JOINING US TODAY IS NICOLE JANSON, SHE'S AS UNIQUE AS
A FINGER PRINT WITH HER WHISKEY TOUCHED VOICE AND
MUSICAL TALE, PART JAZZ DIVA AND PART STORY TELLER
WITH A MINUTES OF ROCK STAR WHICH LENDS AN
EMOTIONAL AUTOMATIC 10 COMMUNITY TO AUTHENTICITY
TO HER MUSIC. PLEASE WELCOME ME IN WELCOMING
NICOLE JANSON.

THANKS, THAT'S WHAT HAPPENS WHEN YOU HAVE AN
ENGLISH MAJOR WRITE YOUR BIO. (music)(music) [(music)
SINGING (music)(music)] [(music) SINGING (music)(music)] [
APPLAUSE]

Mayor Wynn: SO NICOLE, TELL US WHERE CAN WE HERE YOU
NEXT OR A WEBSITE TO BUY A CD.

I DO HAVE A WEBSITE WHICH IS NICOLEJANSON.COM. MY
CD'S ARE AVAILABLE THERE. WE ARE PLAYING ACTUALLY
THIS SATURDAY NIGHT AT MARIA'S TACO EXPRESS BEFORE
IT CLOSES DOWN. [LAUGHTER]

THAT'S LIKE A PLUG FOR A ZONING CASE COMING UP.
[LAUGHTER]

BEFORE YOU GET AWAY, WE HAVE A PROCLAMATION THAT
MEANS BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC
COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE
DEVELOP OF AUSTIN'S SOCIAL, ECONOMIC, CULTURAL
DIVERSITY, WHEREAS THE DEDICATED ARTISTS FURTHER
AUSTIN'S STATUS AS THE LIVE MUSIC CAPITAL OF THE
WORLD, I, MAYOR WILL WYNN, DO HEREBY DECLARE TODAY
ARSONIC NICKDAY AS NICOLE JANSON DAY IN AUSTIN AND
CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THIS
GREAT TALENT. [APPLAUSE]

OUR NEXT OPERATION IS FOR THE COMMUNITY HEALTH

CENTERS. SO TRISH YOUNG, IF YOU'LL STEP FORWARD. BE IT KNOWN THAT WHEREAS AN ESTIMATED 190,000 TRAVIS COUNTY RESIDENTS LACK HEALTH INSURANCE AND OFTEN ARE UNDERSERVED MEDICALLY, WHEREAS THE COMMUNITY HEALTH CENTERS OPERATED BY THE CITY OF AUSTIN PROVIDE HIGH QUALITY HEALTH CARE TO PATIENTS, REGARDLESS OF THEIR ABILITY TO PAY, AND PROVIDE CONVENIENT TIMELY SERVICE TO THEIR ONE-STOP SHOPS, AND WHEREAS I CALL ON ALL CITIZENS TO JOIN ME IN RECOGNIZING THE PERSONNEL AT OUR COMMUNITY HEALTH CENTERS FOR THE HIGH QUALITY OF CARE YOU PROVIDE TO PEOPLE IN OUR COMMUNITY WHO OTHERWISE LACK ACCESS TO AFFORDABLE HEALTH SERVICE. NOW, THEREFORE, I, MAYOR WILL WYNN, DO HEREBY DECLARE AUGUST THE 8th THROUGH THE 14th 2004 AS COMMUNITY HEALTH CENTERS WEEK. AND IT'S SIGNED BY THE MAYOR. [APPLAUSE]

GOOD EVENING, I'M TRISH YOUNG, WE WILL BE CELEBRATING COMMUNITY HEALTH CENTER WEEK ALL WEEK NEXT WEEK. THIS IS A REALLY IMPORTANT EVENT THAT WE DO EACH YEAR. WE PARTICIPATED IN A NATIONAL EFFORT TO RECOGNIZE THE WORK OF COMMUNITY HEALTH CENTERS ACROSS THE NATION. WE HAVE SOME SPECIAL EVENTS SCHEDULED, PARTICULARLY ON MONDAY, WE ARE DOING A CELEBRATION AT THE ROSEWOOD ZARAGOSA COMMUNITY HEALTH CENTER. WE HAVE A NUMBER OF WONDERFUL PEOPLE COMING TO EXTEND WITH US, WE HOPE THAT YOU WILL JOIN US, TOO, COUNCILMEMBER. WE WILL BE RECOGNIZING OUR FEARLESS LEADERS WHO HELP US SUPPORT THE COMMUNITY HEALTH CENTERS AND PAY, YOU KNOW, PAY OUR RESPECTS TO THEIR SUPPORT FOR US. REPRESENTATIVE DOGGETT WILL BE WITH US AND -- AND WE HAVE OTHER MEMBERS OF OUR DELEGATION AND WE WOULD -- WE WOULD INVITE ALL MEMBERS OF THE COMMUNITY TO COME JOIN US, WE WILL HAVE OUR BOARD MEMBERS FROM THE FEDERALLY QUALIFIED HEALTH CENTER THERE TO PRESENT OUR AWARDS AND OUR CERTIFICATES OF APPRECIATION. AND WE HOPE TO HAVE OUR PATIENTS AND OUR CLINICAL STAFF JOINING US AS WELL, WE HOPE THAT YOU WILL JOIN US. WE APPRECIATE ALL OF THE SUPPORT THAT THE COUNCIL PROVIDES FOR

OUR CLINIC OPERATIONS. THANK YOU FOR THIS OPERATION.
[APPLAUSE] ITEM NO. 41, NO DECISIONS WERE MADE. WE
ARE BACK IN OPEN SESSION NOW, SOON TO HAVE A FULL
DAIS, I BELIEVE. COUNCIL, IF YOU REMEMBER, WE HAD -- WE
HAD JUST PREVIOUSLY POSTPONED ITEMS 46 AND 48.
EARLIER WE HAD POSTPONED Z-1 AND Z-2. NOW WE ARE
GOING TO BEGIN THE DISCUSSION OF BOTH THE UNIVERSITY
NEIGHBORHOOD OVERLAY, ALTHOUGH SEVERAL
COUNCILMEMBERS INDICATED THEY ARE NOT PREPARED TO
TAKE ACTION ON THAT. LIKELY THAT WOULD BE -- THAT
WOULD BE IN A COUPLE OF WEEK, PERHAPS AUGUST 26th,
THE WEEK PRIOR TO THEN THE -- THE SCHEDULED HEARING
OF ITEM NO. 48. BUT WE CAN HEAR A STAFF PRESENTATION
ON THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLAN,
CORRESPONDING ZONING ITEMS, PARTICULARLY THOSE
THAT HAVE SOME CONTENTION, AND WITH THAT WE WILL
RECOGNIZE.

I'M MARK WALTERS WITH THE CITY OF AUSTIN
NEIGHBORHOOD ZONING AND PLANNING DEPARTMENT.
TONIGHT WE ARE GOING TO LOOK AT THE CONTESTED
CASES FOR THE DIFFERENT -- THREE DIFFERENT
NEIGHBORHOOD PLANNING AREAS. STARTING FIRST WITH
THE HANCOCK -- I MEAN WITH THE WEST UNIVERSITY
NEIGHBORHOOD PLANNING AREA. AND IN THE PACK THAT'S
BEING HANDED OUT NOW IT WILL BE THE TAB LABELED
WEST UNIVERSITY. WE ARE GOING TO GET THE MAP UP
HERE IN JUST A SECOND. THE FIRST CONTESTED CASE OR
TRACT WOULD BE TRACT 30. ON -- ON MLK. NO. ON -- ON 21
SAN GABRIEL. THERE IS NOT A VALID PETITION FILED. BUT
THE OWNER OBJECTS TO THE PROPOSED -- ONE OF THE
MAJORITY OWNERS OF THE CONDOMINIUM OBJECTS TO THE
PROPOSED HEIGHT LIMIT FROM 60 TO 45 FEET. THE NEXT --

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: DO YOU HAVE A MAP FOR US --

I THINK IT'S IN THE BACKUP MATERIAL THAT'S JUST BEEN
HANDED TO YOU. IT WOULD BE THIS MAP RIGHT HERE.

Dunkerly: WELL -- HELP. [LAUGHTER] I HAVE THAT. I DON'T
KNOW -- OH, OKAY, GREAT, THANKS. OKAY. THE NEXT TRACT

WOULD BE TRACT 33 AND THAT IS ON ROBINS PLACE IN THE SOUTHEAST -- SOUTHWEST CORNER OF THE PLANNING AREA. THE PROPERTY OWNER OBJECTS WITH A VALID PETITION TO -- TO CHANGING THE ZONING FROM MULTI-FAMILY 4 TO MULTI-FAMILY 3.

Dunkerly: OKAY. I'M HAVING TROUBLE FINDING THAT ONE.

THAT WOULD BE RIGHT OFF OF MLK BOULEVARD. TO THE SOUTH IS A STREET CALLED VANCE STREET.

Dunkerly: ON TRACT 30, WHAT IS THE HEIGHT LIMIT ALLOWED NOW?

IT WOULD BE 60 FEET.

60 FEET. AND THE RECOMMENDATION, THE GENESIS OF HOW THIS CAME ABOUT, THIS RECOMMENDATION, THIS IS IN THE BUFFER ZONE BETWEEN THE -- THE UNIVERSITY NEIGHBORHOOD OVERLAY AND THE WEST UNIVERSITY NEIGHBORHOOD, WHICH IS THAT SMALL NEIGHBORHOOD IN THE SOUTHWEST CORNER OF THE PLANNING AREA. THIS IS TO SERVE AS A TRANSITION BETWEEN MORE DENSE TO LESS DENSE SINGLE FAMILY.

GOT IT.

THING TRACT 33 IS THE SAME ISSUE?

THE SAME ISSUE. ALSO JUST TO DECREASE THE DENSITY AS A TRANSITION.

Mayor Wynn: QUESTIONS OF STAFF, COUNCIL?

OKAY. THE NEXT TRACT WOULD BE A PORTION OF TRACT 34, 1107 WEST 22nd STREET. THE RECOMMENDATION IS TO GO TO SINGLE FAMILY 3 WITH A HEIGHT LIMIT OF 30 FEET, WHICH IS THE PROPOSED SINGLE FAMILY HEIGHT CAPPED ON ALL SINGLE FAMILY PROPERTIES. WELL, THE VAST MAJORITY IS SINGLE FAMILY ZONED PROPERTIES THROUGHOUT THE COMBINED PLANNING AREA. AND -- AND THERE ISN'T A VALID PETITION, BUT -- BUT ANTICIPATE TO HAVE ONE BY THIRD READING. IT WOULD BE GOING FROM --

FROM I GUESS SINGLE FAMILY -- FROM MULTI-FAMILY 4 TO SINGLE FAMILY 3.

Dunkerly: WHAT'S THE CURRENT USE ON THAT?

IT'S A SINGLE FAMILY DUPLEX.

THAT WOULD BE ON THE WEST SIDE, EAST SIDE OF ROBBINS PLACE. THE NEXT TRACT WOULD BE TRACT 35 ON ROBBINS PLACE NORTH OF THERE, A SIMILAR ISSUE AS IN TRACT 30. THE RECOMMENDATION IS TO KEEP THE -- KEEP THE BASE ZONING, ALLOW FOR MULTI-FAMILY, BUT TO LIMIT THE HEIGHT TO 40 FEET FOR ANY NEW DEVELOPMENT ON THE SITE. AND I SPOKE WITH THE -- WITH ONE OF THE PEOPLE WHO IS PART OF THE COMPANY THAT OWNS THAT, THEY ANTICIPATE HAVING A VALID PETITION BY THIRD READING.

Dunkerly: WHAT IS THERE NOW? APARTMENTS?

I THINK IT IS SOMETIMES AN APARTMENT, SOMETIMES IT'S A SORORITY OR FRATERNITY HOUSE. VARIES DEPENDING ON WHO THE ATTEMPT IS AT ANY GIVEN TIME. WHO THE TENANT IS AT ANY GIVEN TIME. THE NEXT TRACT, RIGHT ACROSS THE STREET FROM THERE, WOULD BE TRACT 36. AND THE RECOMMENDATION IS TO GO FROM SINGLE FAMILY WITH THE 30-FOOT HEIGHT CAP FROM M.F. 3 TO SINGLE FAMILY. THE PROPERTY OWNER HASN'T FILED A PETITION BUT -- BUT WOULD LIKE TO -- TO KEEP SOME KIND OF MULTI-FAMILY THERE TO -- TO KEEP -- CURRENTLY THERE'S TWO TRIPLEXS ON TWO DIFFERENT LOTS. I HAVE ONLY SPOKEN WITH THE OWNER OF ONE. BUT ACCORDING TO HIS RECOMMENDATION, THEY ARE VERY MODEST TRIPLEXS AND THEY WOULD LIKE TO KEEP THEM ZONED ACCORDINGLY. HE HAS AGREED -- HE WOULDN'T CONTEST A MULTI-FAMILY ZONING, LIMIT THE HEIGHT TO 40 FEET. AT LEAST ON HIS, IF WE ARE GOING TO TREAT HIS ON SAME, THEY WOULD SAY THAT WE WOULD TREAT THE ADJACENT ONE BUT LIMIT DEVELOPMENT TO 3,000 SQUARE FEET OF RESIDENTIAL USE. OKAY. THE NEXT TRACT IS TRACT 40. THAT'S LOCATED ON MLK, ADJACENT TO DRY IF ALSO DESS ANTIQUES, THE VACANT LOT IMMEDIATELY TO THE EAST OF THERE. ON THE MAP IT'S LOCATED -- THE PROPERTY OWNER EXPRESSED THAT HE WOULD LIKE TO -- CURRENTLY WE ARE NOT

RECOMMENDING ANY ZONING CHANGE. BUT THE PROPERTY OWNER WOULD LIKE TO HAVE THE MIXED USE OVERLAY, COMBINING DISTRICT, APPLY TO THAT LOT. HOWEVER, THE -- THE NEIGHBORHOOD IMMEDIATELY TO THE NORTH, THE WEST UNIVERSITY NEIGHBORHOOD, AND ALSO MY UNDERSTANDING JUDGES HILL, ARE CONCERNED ABOUT PLACING M.U. THERE. THEY ARE CONCERNED THAT IT WOULDN'T BE A MIXED USE CONSTRUCTION, IT WOULD BE MORE APARTMENTS AND THEY CONSIDER THAT SITE AS A GATEWAY INTO THE NEIGHBORHOOD AND THEY WOULD LIKE TO SEE SOMETHING MORE THAN JUST APARTMENTS IS WHAT THEY HAVE COMMUNICATED TO ME ON THAT ISSUE. OKAY. TRACT 43 WAS CONTESTED, HAD SOME ISSUES ABOUT IT, BUT I THINK YOU RECEIVED E-MAILS THIS MORNING FROM MR. DAMERON AND MR. COLLINS INDICATING THAT THEY HAVE COME TO AN AGREEMENT ON HERE. THEY HAVE ALMOST REACHED -- REACHED AN AGREEMENT ON TRACT 43. THEY ARE WAITING TO SIGN SOME RESTRICTIVE COVENANTS BETWEEN THE PROPERTY OWNERS AND THE NEIGHBORHOOD. BUT CURRENTLY PEOPLE ARE ALL OVER THE COUNTRY, SO THEY ARE HAVING TO SHIFT STUFF ACROSS, THEY ARE WAITING TO GET THAT BACK IN THE MAIL AS SOON AS POSSIBLE, THEY EXPECT TO HAVE SOMETHING VERY SOON. TRACT 44, ON NORTH LAMAR, I APOLOGIZE.

EXCUSE ME.

WAS 43, TRACT 43 ALSO REACHED AN AGREEMENT?

43 WAS THE PRETTY MUCH REACHED AN AGREEMENT. I THINK RIGHT NOW THEY ARE JUST WAITING TO GET DOCUMENTS BACK IN THE MAIL. I THINK ONE PERSON IS IN BOSTON CURRENTLY, SO -- SO THE U.S. POSTAL SERVICE DOES TAKE TIME TO GET ACROSS THE COUNTRY.

Dunkerly: THAT GOES FOR 43 AND 44.

44 THEY HAVE ALMOST REACHED AN AGREEMENT. I UNDERSTAND. ALTHOUGH THE NEIGHBORHOOD HAS ACHIEVED A VALID PETITION FOR BOTH 2209, 2301 SHOAL CREEK. BUT IF THEY COULD COME TO AN AGREEMENT, THEY WOULD -- THEY WOULD AT LEAST INFORMALLY REQUEST

THAT THE COUNCIL GO AHEAD AND THEY WOULDN'T OPPOSE VOTING DOWN THE VALID PETITION IF THEIR AGREEMENT CAN BE REACHED. BECAUSE THEY HAVE ALL OF THESE PEOPLE WHO HAVE SIGNED THE PETITION, THEY DON'T KNOW IF THEY WOULD BE ABLE TO GET EACH AND EVERY ONE OF THOSE INDIVIDUALS TO SIGN AGAIN TO WITHDRAW THE VALID PETITION. BUT AS OF LAST NIGHT AND YESTERDAY I THINK THAT THEY HAVE COME CLOSE TO AN AGREEMENT.

IF WE ARE POSTPONING THIS, THAT WOULD GIVE -- THAT WOULD GIVE THE OWNERS AND THE AGENTS TIME TO GET ALL OF THESE DOCUMENTS FINISHED.

WE ARE ONLY GOING FOR SECOND READING THIS EVENING. THAT WOULD ONLY REQUIRE NOT 46 BUT 4 VOTES FROM THE COUNCIL.

Dunkerly: RIGHT.

TRACT 49 IS A SITUATION SIMILAR TO SOME OF THE OTHER ONES, ON LONGVIEW STREET. JUST SOUTH OF 24th STREET. THE RECOMMENDATION IS TO GO FROM MULTI-FAMILY 3 TO SINGLE FAMILY WITH THE HEIGHT LIMIT OF 30 FEET. THERE IS A VALID PETITION. CURRENTLY THERE IS ONLY A -- I THINK THERE'S A DUPLEX ON THIS SITE. THE NEXT TRACT IS TRACT 52, 1006 WEST 22nd STREET, CURRENT USE IS A SINGLE FAMILY DUPLEX. THE WHAT WAS APPROVED WHAT STAFF IS RECOMMENDING IS FOR SINGLE FAMILY 3. CURRENTLY IT'S ZONED FOR MULTI-FAMILY. IT IS ON A STREET WITH MANY CURRENT SINGLE FAMILY OR DUPLEX USES, ALSO THE NEIGHBORHOOD WOULD LIKE TO USE THIS AS A BUFFER BETWEEN THE HIGHER DENSITIES PROVIDED BY THE UNIVERSITY NEIGHBORHOOD OVERLAY AND THE SINGLE FAMILY WEST UNIVERSITY NEIGHBORHOOD. AND THERE IS A VALID PETITION ON THAT. OKAY. THE NEXT TRACT IS TRACT 92. THAT'S 706 WEST 24th, THE ADELPHI CONDOMINIUMS, THE PROPERTY OWNER, JIMMY LASOUR AND I AND MICHELLE GEISEN MET AND CAME TO AN AGREEMENT THAT WE WERE RECOMMENDING M.F. 4, BUT WE WOULD BE AMENABLE TO C.S.-M.U. THE NEIGHBORHOOD, THE PROPERTY OWNER AGREES WITH THAT. THAT IS UNCONTESTED. NO ONE SEEMS TO -- TO MIND THE CHANGE. THE NEXT TRACT AND --

IS 99 A. THAT'S LOCATED AT 1112 WEST 24th STREET. THERE IS A VALID PETITION. THE CURRENT USE IS MULTI-FAMILY. AND WE ARE RECOMMENDING MULTI-FAMILY, BUT LIMITING THE HEIGHT TO 40 FEET. AGAIN TO PROVIDE SOMEWHAT OF A BUFFER BETWEEN THE HIGHER DENSITIES PROVIDED BY THE -- BY THE UNIVERSITY OVERLAY AND THE WEST UNIVERSITY NEIGHBORHOOD. THERE IS A VALID PETITION. ON TRACT 133, THAT'S 2710 SAN PEDRO, 2712 AND [INDISCERNIBLE], WE MET WITH ONE OF THE PROPERTY OWNERS THAT HAD A MULTI-FAMILY USE THAT DID HAVE SINGLE FAMILY ZONING. AFTER TALKING WITH THEM, MEETING WITH THEM, DISCUSSING THIS WITH THE NEIGHBORHOOD, THAT THIS -- THAT TO GO TO -- WELL, THIS SHOULD BE TO MULTI-FAMILY 3 IN THE -- IN THE STAFF RECOMMENDATION. AND THAT WAS THE ORIGINAL RECOMMENDATION THAT WE HAD IN THE PLAN BEFORE IT WENT TO THE PLANNING COMMISSION, THAT WOULD BE ON PAGE 5 IN THE MIDDLE OF THE PAGE.

SO WHAT IS THE --

CURRENTLY IT'S -- IT'S SINGLE FAMILY AND THE PLANNING COMMISSION RECOMMENDED TO S.F. 4 A, BUT -- BUT I MET WITH -- WITH MR. NASOUR, MR. [INDISCERNIBLE], AND -- WE TALKED ABOUT -- WE TALKED WITH THE NEIGHBORHOOD AND EVERYONE WAS AMENABLE TO GOING TO MULTI-FAMILY 3 ON THIS SITE. WHICH WAS THE ORIGINAL RECOMMENDATION PRIOR TO THE PLANNING COMMISSION.

SO M.F. 3, NOT S.F. 3?

THAT IS CORRECT.

THERE IS NO VALID PETITION. THE NEXT TRACT IS IMMEDIATELY TO THE NORTH OF THAT. THAT WOULD BE 133 A AND THAT IS -- THAT IS 2802 THROUGH 2808 SAN PEDRO. THE EXISTING ZONING IS SINGLE FAMILY. PLANNING COMMISSION RECOMMENDED S.F. 4 A AND NEIGHBORHOOD AND STAFF □ WOULD -- WOULD RECOMMEND THAT STAY SINGLE FAMILY 3 WITH 30-FOOT HEIGHT CAP. THE PROPERTY OWNER, THOUGH, RECOMMENDS THAT IT HAVE M.F. ZONING ON THAT SITE AND -- AND COMMENTS TO ME BY THE NEIGHBOR IS THEY ARE STRONGLY OPPOSED TO ANY

CHANGE IN ZONING ON THIS SITE, AND THEY CONSIDER THESE AS DOMINO PROPERTIES THAT IF THESE WERE TO GO MULTI-FAMILY THAT IT MIGHT TRIGGER OR MORE INTO THE SHOAL CREST NEIGHBORHOOD LOCATED -- LOCATED ON 28th AND 29th STREET, KIND OF A PIE-SHAPED WEDGE. THERE IS A CONCERN EXPRESSED THAT SAN PEDRO, IN THAT AREA, IS VERY NARROW, AN INFLUX -- IT ALSO DEAD ENDS INTO A ONE-WAY ALLEY WHICH IS USED AS A THROUGH STREET RATHER THAN AS AN ALLEY. THE NEIGHBORHOOD HAS EXPRESSED A CONCERN OVER THAT INCREASED TRAFFIC ALONG THAT STREET.

MAYOR?

COUNCILMEMBER THOMAS? ON TRACT 133 A, WHAT HAS STAFF -- HAS STAFF TALKED TO THE OWNER.

YES, I HAVE.

WHAT DOES THE OWNER WANT TO DO?

THEY WOULD LIKE TO, AT LEAST FOR THE -- I HAVE TALKED TO THE OWNERS OF TWO OTHER PROPERTIES, THAT WOULD BE 2802, 2804, THAT WAS REPRESENTED BY THE -- MS. POWELL, MS. FISH, THEY WOULD LIKE TO HAVE MULTI-FAMILY 2 ON THE SITE. THAT'S WHAT THEY HAVE COMMUNICATED TO ME.

AND WHAT WERE THEY GOING TO DO ON THE SITE IN DO THEY HAVE ANY FUTURE PLANS?

THEY'VE VAGUELY SUGGESTED TO ME THAT THEY WOULD LIKE SOME KIND OF APARTMENTS THERE IN THE FUTURE, BUT IT WASN'T EXPRESSLY STATED WHAT THEIR IMMEDIATE PLANS WERE.

McCracken: MAYOR?

COUNCILMEMBER MCCRACKEN?

Thomas: COULD I ASK THE OWNER A QUESTION. IF I REMEMBER THAT ONE YOU SAID THE FIRST -- THE FIRST

TIME WE HAD THIS ONE --

Mayor Wynn: EASIER FOR YOU OVER HERE.

OVER HERE. PEOPLE.

SAN PEDRO IS A TWO BLOCK STREET WITH SEVEN SUPERINTENDENTS, THREE CONDOS, THREE FRATERNITY HOUSES AND THE NEIGHBORHOOD ASPECT IS PRINCIPALLY BEHIND IT, NOT ACCESSIBLE THROUGH SAN PEDRO, YOU HAVE TO GO AROUND TO I GUESS IT'S SAN GABRIEL TO THE WEST OF IT. AND NEXT TO US IS -- IS MF 3. THE WHOLE BLOCK IS CAMCAMINO REAL GIANT CONCRETE APARTMENTS, M.F. 4. THIS ISN'T UNREASONABLE AT ALL. WE WERE ORIGINALLY ASKING FOR M.F. 3 BUT BECAUSE THE NEIGHBORHOOD ASSOCIATION WANTED US TO -- TO WORK WITH THEM, WE -- WE ARE NOW ASKING FOR M.F. 2. AND EVERYBODY -- IT'S NOT UNREASONABLE AT ALL. SO -- BUT OUR PARENTS HAVE OWNED IT FOR 30 YEARS, WE JUST WANT TO GIVE THEM OPTIONS. THEY ARE IN THEIR 80s, SHOULD BE ABLE TO -- LIVE ON THEIR INVESTMENTS AND THEY REALLY DON'T KNOW WHAT THEY -- THEY REALLY DON'T HAVE ANYTHING IN MIND RIGHT NOW. ANY QUESTIONS AT ALL?

Thomas: OKAY. THAT'S IT. I -- I KIND OF REMEMBER THE FIRST TIME YOU SPOKE AND YOU WERE SAYING THE PURPOSE OF IT WAS BECAUSE YOU WANTED -- YOUR PARENTS HAD NO IDEA WHAT THEY WANTED TO DO AT THIS TIME. SPEAKING WITH THE NEIGHBORHOOD, YOU -- YOU DID NOT MAKE ANY LEAD WAY -- I THOUGHT YOU SAID M.F. 3 --

WE DID COME TO M.F. 2 FROM M.F. 3 THAT WE WERE ORIGINALLY PROPOSING. WITH THE NEIGHBORS NEXT DOOR, M.F. 3. A FRATERNITY HOUSE NEXT DOOR.

OKAY. I DON'T --

Thomas: I DON'T -- I REMEMBER THAT -- THAT SURROUNDING PROPERTIES ARE M.F. PROPERTIES SO -- SO WHY WOULD THE NEIGHBORHOOD HAVE A PROBLEM?

THE PROPERTIES TO THE -- TO THE EAST, TO THE SOUTH

ARE CURRENTLY ZONED -- ARE ZONED -- ARE USED OR ZONED AS MULTI-FAMILY. THE PROPERTIES IMMEDIATELY TO THE NORTH ARE -- ARE ZONED AND USED AS SINGLE FAMILY OR DUPLEX.

THERE'S A COUPLE OF OWNERS ON THE WHOLE STREET AND EVERYBODY ELSE IS -- IS RENTERS. ON -- TO THE NORTH OF US.

Thomas: NORTH OF YOU?

UH-HUH.

THEN TO THE WEST IS JUST SHOAL CREEK AND GREENBELT. THERE'S NOTHING THERE TO THE SOUTH IS THE M.F. 3 AND THEN ALL OF THE MULTI-USE AND THEN TO OUR EAST IS -- IS MULTI-FAMILY 4. THE WHOLE BLOCK.

Thomas: OKAY. THANK YOU.

THANK YOU.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: THE -- IN WHICH NEIGHBORHOOD IS 133 A LOCATED?

THAT WOULD BE THE SHOAL CREST NEIGHBORHOOD. AND THE REPRESENTATIVE FROM THE NEIGHBORHOOD IS PRESENTS IF YOU HAVE ANY -- IS PRESENT IF YOU HAVE ANY QUESTIONS.

McCracken: IS IT THE SHOAL CREST NEIGHBORHOOD THAT HAS THE STRONG OBJECTION?

YES, COUNCILMEMBER.

McCracken: THE -- WHAT WOULD BE THE HEIGHT LIMITS ON M.F. 2 IF IT -- IF -- WOULD THERE BE A HEIGHT LIMIT?

THE -- MS. POWELL AND MS. FISH HAVEN'T ASKED FOR ANY HEIGHT LIMIT, BUT I THINK IT'S 30 OR 40 FEET FROM

MANUFACTURE -- FROM M.F. 2.

S.F. 2 --

30 FEET.

I AM SCREP TALL THAT A SINGLE FAMILY RESIDENCE WOULD BE VERY DESIRABLE FROM A MASSIVE APARTMENT COMPLEX, FRATERNITY HOUSE, MULTI-FAMILY, ALL AREAS OF APARTMENTS. BUT I DO SEE A CASE THAT YOU COULD MAKE THAT THERE'S A CASE TO DO A STEP DOWN FROM, YOU KNOW, BECAUSE ALL OF THESE OTHER SINGLE FAMILY HOMES SENIOR ACROSS THE STREET FROM street fromM.F. FROM THAT GIANT APARTMENT COMPLEX. MAYBE THERE'S AN INTERIM STEP HERE WE CAN LOOK AT AS A STEP DOWN THAT WOULD PROBABLY BE APPROPRIATE.

MY UNDERSTANDING FROM THE NEIGHBORHOOD IS THAT THE TWO HOUSES TO THE NORTH, AT LEAST ONE OF THEM IS OWNER OCCUPIED.

OKAY.

McCracken: YEAH. BECAUSE THIS AREA IS NOT SUBJECT TO ANY PORTION OF THE OVERLAY, I KNOW A LOT OF THE APARTMENTS FOR INSTANCE, I UNDERSTAND WHAT THE -- WHY THE SINGLE FAMILY RESIDENTS WOULD NOT WANT TO BE ACROSS THE STREET FROM THE WAY THE APARTMENTS ARE BUILT IN THIS NEIGHBORHOOD, GENERALLY BUILT -- NOT ACROSS THE BOARD, BUT A LOT OF THEM ARE PRETTY CHEAP. AND KIND OF HURTS THE PROPERTY VALUES FOR HOMEOWNERS. SO IS THERE ANY CONTEMPLATION IN THE PLAN OF HAVING SOME KIND OF STANDARDS TO APPLY TO MULTI-FAMILY THAT MIGHT PROTECT PROPERTY VALUES FOR SINGLE FAMILY RESIDENTS, TOO?

WE ARE THINKING MAYBE TWO OUT THERE AT THIS POINT.

WITH THE CONDITIONAL OVERLAY, WE CAN LIMIT GROSS SQUARE FOOTAGE OF THE AMOUNT OF RESIDENTIAL USE, WE CAN LIMIT THE -- THE HEIGHT OF A BUILDING, WE CAN LIMIT THE FLOOR TO AREA RATIO, INCREASE THE SETBACKS, WE CAN DO -- THERE ARE TOOLS THROUGH THE ZONING

CONDITIONAL OVERLAY THAT COULD -- THAT COULD CREATE MORE OF A BUFFER BETWEEN MS. POWELL AND MS. FISH'S PARENTS PROPERTIES AND THE ADJACENT SINGLE FAMILY.

McCracken: OKAY. THAT'S GREAT.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

[INDISCERNIBLE]

THE NEXT TRACT IS TRACT 148, 2829 SALADO, BETTER KNOWN AS JUNIOR'S ICE HOUSE. AND WHAT WE ARE RECOMMENDING FOR THIS SITE IS -- IS PRIMARILY REMOVING MORE OF THE -- OF THE INDUSTRIAL OR HEAVY USAGE ASPECTS OF THE C.S. ZONING, CONSIDERING 29th STREET AT THIS POINT IS FAIRLY NARROW, THIS IS PRETTY MUCH ACROSS THE STREET FROM BREED AND COMPANY. AND TRYING TO KEEP MORE OF A NEIGHBORHOOD FEEL TO THIS ARTERIAL AS IT GOES THROUGH THE PLANNING AREA, PART OF THE PLANNING AREA. AND -- AND THE PROPERTY OWNER IS -- HAS FILED A VALID PETITION, OBJECTING TO ANY CHANGE TO THEIR ZONING. AND THE -- THE STAFF SUPPORTS THE COUNCIL AND PLANNING COMMISSION ON WHAT WE VOTED ON AT FIRST READING. BUT WE WOULD BE RECOMMENDING THE NEIGHBORHOOD MIXED USE BUILDING ON THAT SITE, SO IT COULD REDEVELOP TO SOME FORM OF MIXED USE IN THE FUTURE.

SO CAN YOU DESCRIBE IN BROAD TERMS THE COMMERCIAL USES THAT THE PLANNING TEAM ENVISIONS, HOW LIMITED --

I THINK THE -- I THINK THE LOW SCALE RETAIL RESTAURANTS, SOME OFFICE USAGE, ACTUALLY. WE ARE RECOMMENDING ALL OF THE SINGLE FAMILY ON THE SOUTH SIDE OF 29th STREET, EAST -- WEST OF THIS POINT TO -- TO RIGHT BEFORE IT REACHES LAMAR TO BE ZONED TO OFFICE MIXED USE TO ALLOW THE HOUSES ALONG THERE TO BE EITHER USED AS RESIDENCES OR FOR -- FOR OFFICES. SEVERAL PROPERTY OWNERS THAT I HAVE SPOKEN WITH INDICATED THAT WHEN THEY MOVED IN THERE, THEY DIDN'T HAVE CHILDREN, BUT BY THE TIME THE PLANNING PROCESS CAME AROUND, THEY REALIZED IT WASN'T SUCH A GOOD PLACE TO HAVE KIDS OR PETS. 29th STREET IS A MAJOR

CONNECTION TO MAKE TO MOPAC TO THIS AREA.

Mayor Wynn: HOW WOULD THAT COMPARE TO THE NEXT TRACT OVER TO THE EAST, LOOKS LIKE 146. RIO GRANDE THERE WITH THE LIGHT SEEMS TO BE SOMEWHAT OF A --

IT WOULD BE THE SAME CONDITIONAL OVERLAY AS ON APPLIED TO -- APPLIED TO ALL OF THE C.S. ZONED PROPERTY HERE. NO DIFFERENTIATION IS MADE BETWEEN ANY OF THEM. IT'S JUST TO KIND OF ALLOW PEOPLE TO RETAIN THE FAIRLY GENEROUS DEVELOPMENT STANDARDS THAT C.S. ZONING AFFORDS, BUT TO KIND OF REIGN IN SOME OF THE MORE NEIGHBORHOOD UNFRIENDLY USED ALLOWED UNDER C.S. ZONING.

Mayor Wynn: OKAY.

THE NEXT TRACT IS TRACT 180, THAT'S ON GUADALUPE STREET. IT'S THE MULTIPLE ADDRESSES. ESSENTIALLY THAT'S WHERE RUTH CHRIS STEAK HOUSE USED TO BE AND RAY'S STEAK HOUSE WAS. THE NEIGHBORHOOD HAS HAD SEVERAL MEETINGS WITH THE OWNERS AND THERE'S A PROPOSED DEVELOPMENT IN THE SITE. ONE OF THE -- ONE OF THE FIRST MIXED USE DEVELOPMENTS IN THE CITY OF AUSTIN IS BEING PROPOSED FOR HERE. AND THE STAFF RECOMMENDS -- ORIGINALLY WE WERE NOT RECOMMENDING THE MICKED USE COMBINING DISTRICT BECAUSE OF THE ABILITY THAT ZONING ALLOWS TO DO -- IT DOESN'T LOCK A PROPERTY OWNER INTO DOING MIXED USE. IT GIVES THEM THE OPTION OF DOING MIXED USE OR COMMERCIAL OR MULTI-FAMILY. ONE OF THE THEMES IN THE PLANNING AREA IS THEY WOULD LIKE, THE NEIGHBORHOOD DIDN'T REALLY WANT LOTS OF APARTMENTS LINING GUADALUPE BUT THEY WOULD LIKE TO HAVE THE MIXED USE, THE TRUE PEDESTRIAN ORIENTED USE. SO THE NEIGHBORHOOD, STAFF, PROPERTY OWNERS CAME TO AN AGREEMENT TO BASICALLY KEEP THE SAME CONDITIONAL OVERLAY THAT WAS INITIALLY RECOMMENDED BUT TO ALLOW THE MIXED USE COMBINING DISTRICT AND THEN PROHIBIT ALL RESIDENTIAL USES ON THE FIRST FLOOR. THIS IS IN LINE WITH WHAT THE LANEYS HAVE SHOWN THE NEIGHBORHOOD AND STAFF.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I GUESS I'M INTRIGUED I DIDN'T KNOW THAT MIXED USE ZONING DIDN'T ACTUALLY REQUIRE MIXED USE. WOULD THAT REQUIRE A CODE CHANGE TO ACTUALLY SAY THE MIXED USE HAS TO BE MIXED USE?

I DO BELIEVE SO, COUNCILMEMBER.

OKAY.

BUT THE NEIGHBORHOOD MIXED USE BUILDING IS A BUILDING TYPOLOGY, A BUILDING TYPE, THAT MANDATES MIXED USE, BUT THE COMBINING DISTRICT, THE MIXED USE COMBINING DISTRICT DOES NOT MANDATE MIXED USE. OKAY, TRACT 201 BILKING HAM SQUARE, 711 WEST 32nd. THERE WAS A PRETTY SEVERE FIRE THERE NOT TOO LONG AGO. FOR -- FOR -- KIND OF GIVE YOU AN IDEA OF WHERE IT'S AT. LARGE APARTMENT BUILDING IN THE MIDDLE OF THE HERITAGE NEIGHBORHOOD AND THE -- AND THE NEIGHBORHOOD RECOGNIZES THAT IT IS APARTMENTS, IT'S ALWAYS BEEN AN APARTMENT. THEY WOULD LIKE TO IN THE CASE THAT IT WAS EVER REDEVELOPED, REDUCE THE DENSITY SOMEWHAT. THERE'S ALSO A PROVISION IN THE PLAN THAT -- THAT THE RECOMMENDATION THAT STATES THAT WHEN AND IF THIS AREA DOES BECOME DEVELOPED THE NEIGHBORHOOD WOULD LIKE TO SEE IF IT WOULD BE POSSIBLE TO LOOK FOR A MIX OF DIFFERENT HOUSING TYPES, WHETHER IT BE MULTI-FAMILY OR CONDOMINIUM OR SINGLE FAMILY ON THE SITE BECAUSE IT'S A FAIRLY LARGE APARTMENT COMPLEX. THERE IS NO CURRENTLY A PETITION FROM THE PROPERTY OWNER, HE'S IN SAN FRANCISCO, I HAVE CALLED, E-MAILED, HAVEN'T HEARD BACK FROM HIM. HE DID SEND A LETTER OF PROTEST, BUT BECAUSE THE APARTMENT IS OWNED BY A COMPANY HE NEEDS TO PROVIDE AUTHORITY, THE COMPANY NEED TO PROVIDE AUTHORITY TO HIM TO FILE THE PETITION ON THEIR BEHALF. BUT HAS THERE HAS BEEN A LETTER OF PROTEST FILED. THE NEXT TRACT IS TRACT 204. THAT WOULD BE 3106, 3105 KING STREET. 3101 KING STREET AND 3100 KING STREET. AND THAT IS RIGHT -- CURRENTLY, IT'S ZONED M.F. 2 IN THE NEIGHBORHOOD -- AND THE NEIGHBORHOOD AND STAFF HAS RECOMMENDED TO S.F. 3. MY UNDERSTANDING IS BACK

MAYBE HALF A DICKDECADE, I MEAN HALF A CENTURY AGO, IT WAS UPZONED TO MULTI-FAMILY ZONING. ON TWO SUBSEQUENT OCCASIONS IN THE MID 70s THIS AREA WAS DOWN ZONED BACK TO SINGLE FAMILY OVER TIME AND ONE OF THE GOALS THAT HAS BEEN EXPRESSED TO STAFF BY THE STAKEHOLDER IN THIS AREA IS THAT THEY WOULD LIKE TO CONTINUE THAT TREND AND IF A PROPERTY IS BEING USED AS A SINGLE FAMILY USE, THEY WOULD LIKE TO SEE THAT -- THAT TYPE OF ZONING APPROPRIATE TO THAT USE AND THAT'S ONE OF THE THINGS THAT THE NEIGHBORHOOD EXPRESSED VERY STRONG, STRONG FEELINGS ABOUT. THERE IS A VALID PETITION ON ALL OF THESE PROPERTIES. AND AT THIS READING WE WOULD ONLY NEED FOUR, BUT -- ALMOST DONE WITH WEST UNIVERSITY. TWO MORE TRACTS. THE NEXT TRACT IS 236 LAMAR. I MEAN TRACT 236, 3201 NORTH LAMAR. ACTUALLY, THE PETITION HAS BEEN FILED ON THAT ONLY APPLIES TO THIS ADDRESS. THE NEIGHBORHOOD AND THE PROPERTY OWNER AND STAFF MET ON MULTIPLE OCCASIONS TO SEE IF WE COULD RESOLVE ANY OF THE -- OF THE IRS OVER THE PROPOSED CONDITIONAL OVERLAY. THE NEIGHBORHOOD HAD CONCERNS ABOUT THE AUTOMOTIVE TYPE OF USES ON THIS SITE. AND AFTER SEVERAL MEETINGS, THEY CAME TO -- SEVERAL MEETINGS PRIOR TO THE FILING OF THE VALID PETITION, THEY DID REACH -- REACH SOME -- SOME COMPROMISE AND THE NEIGHBORHOOD DID AGREE TO -- TO NOT OPPOSE AUTOMOTIVE REPAIR, RENTAL AND AUTOMOTIVE SALES GRANTED THAT THERE WERE CERTAIN CONDITIONS ABOVE AND BEYOND WHAT COULD BE DONE THROUGH A CONDITIONAL OVERLAY. BUT THROUGH SOME SORT OF RESTRICTIVE COVENANT. AND -- BUT THE ONE THING THAT WAS THE STICKING POINT THAT I THINK INITIALLY FORCED THIS NEGOTIATION IS JUST TO FINALLY CEASE WOULD BE THE AUTOMOTIVE WASHING. THIS PROPERTY BACKS UP TO A SINGLE FAMILY -- MULTI-FAMILY OWNER OCCUPIED PROPERTY AND THAT OWNER HAS EXPRESSED CONCERN ABOUT THE NOISE FROM AN AUTO WASHING RIGHT CLOSE -- RIGHT SO CLOSE TO THEIR PROPERTY. AND THE LAST -- THE LAST -- COUNCILMEMBER MCCRACKEN?

McCracken: YEAH. FOR THE LAMAR PROPERTIES, THE -- THE

BEST -- YOU KNOW, FROM THE URBAN PLANNING STANDPOINT, THESE PROPERTIES ALL SHOULD BE UP TO THE SIDEWALK, TO -- TO ALLOW WALKING BY. THAT'S THE WAY THIS AREA IS TRENDING. WHAT ARE THE REQUIREMENTS CURRENTLY ON ZONING IN TERMS OF SETBACKS, WHETHER THE PARKING CAN BE, APRON CAN BE UP FRONT IN THE STORE AS OPPOSED TO BEHIND?

CURRENTLY I THINK THE FRONT SETBACK IS 10 FEET, I THINK THE SIDE STREET SETBACK IS SAY 10 OR 15 FEET FOR C.S. ZONINGS, AND THE BUILDING, TECHNICALLY, CAN SIT AND WE HAVE ALSO RECOMMENDED THE NEIGHBORHOOD MIXED USE BUILDING FOR THIS SITE AS WE DID FOR BASICALLY ALL OF LAMAR, ALL OF GUADALUPE TO PROMOTE THAT SAME TYPE OF PEDESTRIAN ORIENTED ENVIRONMENT. THAT COULD BE POSSIBLY DONE IF SOMEONE CHOSE TO BUILD THAT TYPE OF BUILDING.

IS THAT INCLUDED WITHIN THE STAFF RECOMMENDATION, FOR INSTANCE IN 236 THAT THE BUILDING WOULD BE UP TO THE SIDEWALK. IT DOESN'T -- IT LOOKS LIKE IT'S --

NO. JUST -- IF THE PROPERTY OWNER WANTED TO BUILD A NEIGHBORHOOD MIXED USE BUILDING, IT WOULD MANDATE THAT. BUT THE BASE ZONING RIGHT NOW DOES NOT MANDATE THAT ANY STRUCTURE BE PLACED AT THE FORWARD PORTION OF THE LOT.

IS THAT SOMETHING THAT WE HAVE THE AUTHORITY TO DO THROUGH ZONING? GENERALLY THE WAY THAT LAMAR IS GOING, IT'S AN URBAN CORRIDOR, THAT THE BUILDING SHOULD BE UP TO THE SIDEWALK. I -- I NEED TO FIND THE ANSWER TO THAT, COUNCILMEMBER.

OKAY, OKAY. THANKS.

SEE, MR. GUERNSEY OR MS. GLASGO COULD BE MORE AUTHORITATIVE. JUST ONE MOMENT.

WE CAN COME BACK.

OKAY.

THE -- THE LAST TRACT, CONTESTED TRACT IN WEST UNIVERSITY IS TRACT 1019. THAT'S ALSO ON SAN PEDRO, BUT SOMEWHAT NORTH OF TRACT 133 A. THAT TRACT WAS 1019. AND THAT WOULD BE 2833 AND 2841 SAN GABRIEL. UP CLOSER TO 29th STREET, BUT WITHIN THE MIDDLE OF A BLOCK OF SINGLE FAMILY. THE RECOMMENDATION FROM STAFF IS TO -- IS TO ALLOW THE SINGLE FAMILY TO REMAIN BUT TO PUT A BUILDING CAP OF 30 FEET ON THAT, TO -- TO DISCOURAGE LARGE BUILDINGS OUT OF SCALE WITH THE EXISTING NEIGHBORHOOD FABRIC. MR. GUERNSEY COULD ANSWER THAT QUESTION.

I BELIEVE THE QUESTION WAS REGARDING COULD WE REQUIRE A BUILDING BE BUILT UP TO THE FRONT PROPERTY LINE? ONE OF THE PROPOSED ZONING -- I THINK THIS IS TRACT 236. THE ZONING IS C.S., MANDATES A 10-FOOT SETBACK. THE CLOSEST THAT WE COULD GET TO THE FRONT PROPERTY LINE IS 10 FEET WITHOUT THE PROPERTY OWNER SEEKING A VARIANCE FROM THE BOARD OF ADJUSTMENT.

ACTUALLY, THAT'S APPROPRIATE BECAUSE THAT'S WHERE THE SIDEWALK GOES, YOU KNOW. BUT THE QUESTION IS -- DO WE DO THE SUBURBAN HIGHWAY MODEL-- ON OUR URBAN CORE STREETS SUCH AS SAN GABRIEL AND LAMAR OR DO WE DO LIKE, THERE'S A GREAT NEW OFFICE COMPLEX ACROSS FROM CENTRAL MARKET NOW RIGHT ON THE SIDEWALK ON 38th AND LAMAR. THE -- WHERE CHIPOTLE AND STARBUCKS IS, RIGHT UP TO THE SIDEWALK. THIS IS THE WAY URBAN PLANNING TELLS US IT SHOULD BE, IF IT'S THE WAY THE AREA IS TRENDING, I WANTED TO SEE IF IT'S POSSIBLE THAT WE COULD FACILITATE THAT THROUGH THIS PROCESS OR DO WE LACK THE TOOLS THROUGH ZONING TO DO THAT?

YOU WOULD LIKE THAT TOOL THROUGH THE BASE ZONING. THERE MAY BE A WAY THROUGH THE OVERLAY THAT MIGHT BE MODIFIED. BUT THROUGH THE BASE ZONING AS PROPOSED IT COULD NOT BE DONE.

McCracken: COULD YOU PREPARE SOMETHING JUST -- JUST AT LEAST FOR OUR REVIEW. I KNOW WE CAN'T DO IT TONIGHT. BUT WE HAVE A THIRD READING COMING UP. WE

COULD SEE IF THERE'S SENTIMENT FOR DOING THAT.

COUNCILMEMBER? THAT WOULD REQUIRE A CHANGE TO THE LAND DEVELOPMENT CODE AND CHANGES IN ZONING REGULATIONS, SUBSTANTIVE CHANGES HAVE TO GO THROUGH THE PROCESS OF GOING THROUGH THE PLANNING COMMISSION. THAT'S A REQUIREMENT OF STATE LAW. THAT IS NOT SOMETHING THAT WE COULD PROBABLY BRING BACK TO YOU ON THIRD READING. BECAUSE IT DOES HAVE TO -- IT IS A ZONING REGULATION CHANGE AND DOES HAVE TO GO THROUGH THAT PROCESS. HOWEVER, IF THAT IS SOMETHING THAT YOU DESIRE TO EXPLORE IN TERMS OF DEVELOPING THOSE KINDS OF OVERLAY REGULATIONS, THAT IS CERTAINLY SOMETHING THAT -- THAT WE CAN BRING FORWARD TO THE PLANNING COMMISSION SO THAT THEY CAN PROVIDE YOU. WHEN I SAY THIS, I AM PRESUMING THAT WHAT YOU ARE REALLY INTERESTED IN LOOKING AT IS A WHOLESALE SOLUTION TO THIS THROUGHOUT THE CITY NOT JUST PERHAPS IN THIS PARTICULAR AREA.

THE --

WELL --

I DID -- I THINK THAT THAT IS DEFINITELY FROM AN URBAN PLANNING STANDPOINT THE -- THE PREFERRED WAY OF DOING IT, THAT YOU DON'T WANT TO -- YOU CAN'T UNIVERSALLY SAY THIS IS THE WAY IT SHOULD BE EVERYWHERE. BUT I'M PRETTY FAMILIAR WITH THIS NEIGHBORHOOD, THIS IS THE WAY LAMAR IS TRENDING, FOR INSTANCE, THE INTERIOR NEIGHBORHOOD ALSO DEFINITELY, A LOT OF -- A LOT OF PEDESTRIAN TRAFFIC. IN FACT WE HAVE SEEN THIS IN THE UNO PORTION OF IT, THAT THEY ARE REQUIRING THAT THE BUILDINGS BE UP TO THE SIDEWALK. SO I MEAN WE KNOW THAT THIS HAS BEEN THE VISION FOR THE NEIGHBORHOOD SO -- SO IF WE LACK THE TOOLS UNDER CURRENT LAW, THEN MAYBE WE NEED TO ADD THIS TO -- TO THE -- TO THE RANGE OF OPTIONS. BECAUSE I DON'T KNOW THAT IT WOULD REALLY BE APPROPRIATE TO SAY FROM A BLANKET STATEMENT WE REQUIRE IT. BUT THIS IS A NEIGHBORHOOD THAT IS A WALKABLE NEIGHBORHOOD WHERE WE SHOULDN'T HAVE SUBURBAN HIGHWAY MODELS OF DEVELOPMENT IN AN

AREA WHERE YOU HAVE A LOT OF STUDENTS WALKING AROUND. THE BUILDINGS SHOULD BE UP TO THE SIDEWALK OR THERE SHOULD BE PUBLIC SPACE INSTEAD OF PARKING LOTS.

COUNCILMEMBER, I HAD SOMEONE GIVE ME INFORMATION REGARDING THIS PARTICULAR -- THE PROPERTY THAT I THINK THAT YOU ARE TALKING ABOUT. THAT PARTICULAR PROPERTY ACTUALLY HAS A SIDEWALK THAT'S IN FRONT OF THE BUILDING, BUT THAT'S WITHIN THE SETBACK. THE BUILDING ACTUALLY WOULD COMPLY, BUT THEY HAVE INTERNAL SIDEWALKS, INTERNAL TO THEIR OWN PROPERTY. SO IT GIVES THE APPEARANCE THAT IT'S RIGHT ON THE FRONT PROPERTY LINE BUT IN REALITY IT'S SETBACK, THEY HAVE THEIR OWN SIDEWALK CROSSING IN FRONT MUCH THEIR BUILDING ON THEIR PROPERTY.

McCracken: WELL, THE QUESTION, THOUGH, IS DO YOU HAVE PARKING BETWEEN THE BUILDING AND THE STREET. WHERE IS THE PARKING SITUATED? BEHIND SO THAT YOU CREATE A WALKABLE NEIGHBORHOOD OR IS IT SITUATED IN FRONT. I'M NOT TRYING TO SINGLE OUT IN PARTICULAR PROPERTY. IT JUST THAT THERE ARE CERTAIN STREETS THAT REALLY JUMP OUT AT YOU.

I HAVE BEEN GESTURED THAT THE PARKING IS BEHIND THAT PARTICULAR BUILDING.

McCracken: YEAH. BUT I GUESS THE BIGGEST POINT IS WE LACK THE TOOLS TO DO SOMETHING ABOUT THIS THROUGH CURRENT ZONING ORDINANCES, EVEN THROUGH CONDITIONAL OVERLAYS?

WHAT WE WOULD NEED TO DO, COUNCILMEMBER, IS WE WOULD NEED TO BRING SOMETHING BACK THAT ADDRESSES THE NEIGHBORHOOD AS A WHOLE. THE STANDARD, ANY DEVIATION UNDER THE STATE LAW MUST GO TO THE BOARD OF ADJUSTMENT FOR VARIANCES.

McCracken: I'M NOT TALKING ABOUT SETBACKS, THAT'S A DIFFERENT ISSUE BECAUSE A SETBACK IS -- I DON'T THINK THAT I'M TALKING ABOUT A SETBACK BECAUSE THE PARKING IS -- BUILDING PLACEMENT ARE ISSUES WITHIN THE PRIVATE

PROPERTY PORTION AS OPPOSED TO WITHIN THE EASEMENT PORTION OF THE SIDEWALK. SO THE QUESTION REALLY RELATES TO BUILDING PLACEMENT VERSUS PARKING LOT PLACEMENT. OR -- OR NON-PARKING AREAS UP FRONT. IS THAT -- IS THAT -- IS THAT -- DOES THAT CHANGE ANYTHING?

WELL, AS FAR AS I GUESS MAKING A REQUIREMENT OF A CERTAIN PERCENTAGE OF THE PARKING TO THE REAR OF THE BUILDING.

YEAH.

OR THAT THE BUILDING HAS TO BE PLACED CURRENTLY THAT DOESN'T EXIST UNDER THE CODE. SO, NO, THAT COULD NOT BE DONE AT THIS TIME. STAFF COULD LOOK AT ORDINANCE OPTIONS THAT MIGHT MAKE THAT POSSIBLE IN THE FUTURE. I THINK THAT WE HAVE EVEN DISCUSSED IN THE DISCUSSION OF THE BIG BOX, SOME OF THAT DISCUSSION I KNOW HAS OCCURRED ABOUT -- ABOUT THE PERCENTAGE OF PARKING THAT MIGHT BE IN FRONT OF A STRUCTURE AS OPPOSED TO THE REAR OR TO THE SIDE.

THANKS.

THE FINAL TRACT IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA, I GUESS IT'S TRACT 1019, THAT WOULD BE THE SINGLE FAMILY IN THE MIDDLE OF THE BLOCK ON SAN PEDRO ON THE EAST SIDE OF THE ROAD. THE PROPERTY OWNER IS OBJECTING TO ANY HEIGHT. THE NEXT PRESENTATION WILL BE DISCUSSION OF THE CONTESTED CASES IN THE NORTH UNIVERSITY NEIGHBORHOOD PLANNING AREA AND THE NORTH UNIVERSITY NEIGHBORHOOD CONSERVATION COMBINING DISTRICT. TOM BOLT WILL PRESENT THAT.

GOOD EVENING, MAYOR, COUNCILMEMBERS, TOM BOLT, NEIGHBORHOOD PLANNING AND ZONING. MY LIST IS SIGNIFICANTLY SHORTER.

Mayor Wynn: BLESS YOU.

WITH REGARD TO NORTH UNIVERSITY CONTESTED CASES,

WE HAVE TRACT APD 843, LOCATED AT 30043004 FRUTH STREET. TO ORIENT YOU THE NORTHWEST CORNER OF FRUTH AND WEST 30th STREET. THE CURRENT ZONING IS C.S., THE NEIGHBORHOOD PLAN AND STAFF HAS -- HAS RECOMMENDED GRR GR-NCCP-NP. THE OWNER OF THE PROPERTY IS SEEKING TO RETAIN HIS C.S. ZONING. THE USES THAT ARE THERE RIGHT NOW INCLUDE A PUBLISHING, PRINTING AND PUBLISHING OCCUPANCY, AS WELL AS SOME STORAGE. WITH THE RECENT AMENDMENTS TO THE LAND DEVELOPMENT CODE UNDER G.R. YOU CAN HAVE PRINTING AND PUBLISHING UP TO 5,000 SQUARE FEET. SO THAT PARTICULAR OCCUPANCY WOULD STILL BE LEGAL. WE WOULD WIND UP WITH A NON-CONFORMING USE FOR THE STORAGE. THEN IF WE MOVE TO PAGE 13 OF 23. WE HAVE A TRACT APD 862 A, LOCATED AT 2815 FRUTH STREET, THE OWNER, JOHN STUMP, HIS PROPERTY IS LOCATED BETWEEN TWO DISTRICTS WITHIN NORTH UNIVERSITY, BUT THE ADAMS PARK DISTRICT AND THE GUADALUPE DISTRICT. THE -- HE HAS A VALID PETITION, HIS CURRENT ZONING IS C.S., WE ARE PROPOSING C.S.-NCCD-N.P. THE -- THE OPPOSITION, AS BEST I CAN TELL, IS TO ANY REZONING OF THE PROPERTY. WHAT WE HAVE TRIED TO DO IN THE DISTRICT, THE PARK DISTRICT IS NEARER OR REPLICATE WHAT WAS DECIDED WITH THE VILLAS WITH RAILROADED TO BUILDING HEIGHT FOR A CERTAIN DISTANCE BACK OFF OF THE RIGHT-OF-WAY. HIS TRACT BEHIND THAT OR THE PIECE OF THAT PROPERTY THAT'S LOCATED IN THE GUADALUPE DISTRICT WE HAVE ADDED THE ABILITY TO GO TO 70 FEET IN HEIGHT TO TRY TO OFFSET THE LIMITATION OF 40 ON THE FRONT. AGAIN THE CURRENT ZONING ON BOTH OF THOSE TRACTS IS C.S. WE ARE RECOMMENDING C.S.-NCCD. WE DO HAVE A VALID PETITION. AND THE OPPOSITION AS BEST WE CAN TELL IS JUST ON THE THE -- THE PLACEMENT IN THE NCCD AND BEING PART OF TWO TRACTS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: EXCUSE ME JUST A SECOND. YOU STARTED OVER -- WHEN YOU STARTED ON THE AD DAM'S PARK DISTRICT, APD 843, THAT SAME ONE HAS THE SAME ISSUES THAT RUNS FOR SEVERAL PAGES?

YES. THE FACT THAT I'LL EXPLAIN THAT TO YOU. IN ORDER TO INCORPORATE ALL OF THE PROHIBITED AND CONDITIONAL USES, IT RAN SEVERAL PAGES. JUST IN ORDER TO CONTAIN ALL OF THE INFORMATION WITH REGARD TO THE NCCD, IT SPREAD THE COLUMN THAT FAR. BUT IT'S THE SAME ISSUE WITH BOTH TRACTS.

Dunkerley: BUT SOME OF THE TRACTS HAVE DIFFERENT CONDITIONAL USES THAN OTHERS.

YES. THE AD DAMS PARK DISTRICT IS SEEKING TO ORIENT THE BUILDING TOWARDS THE PARK, AND HAVE OCCUPANCIES THAT ARE MORE PEDESTRIAN USE ORIENTED. THE CS BEHIND THAT ON GUADALUPE WOULD BE TO ALLOW MORE OF THE CS USES. BOTH INCORPORATE THE ABILITY TO DO BOTH MULTI-FAMILY AND COMMERCIAL USES. OKAY. PART OF TRACT RDW 739-A IS LOCATED AT 405 WEST 31st 35TH STREET. IT IS A SINGLE-FAMILY USE. THE CURRENT ZONING IS MF-4. THE PLAN RECOMMENDS MF-3. THE PROPERTY OWNER IS SEEKING TO RETAIN MF-4. WE HAD A SIGNED LETTER, BUT I HAVE NOT HAD IT VALIDATED AT THIS POINT, BUT I'M SURE IT WILL BE. TO GIVE YOU A LITTLE INFORMATION, THIS IS A 48-FOOT WIDE PIECE OF PROPERTY SURROUNDED BY SINGLE-FAMILY. THE ABILITY TO DO MULTI-FAMILY ON THAT PROPERTY IS PROBABLY NONEXISTENT, SO THE STAFF PLAN -- THE STAFF AND THE NEIGHBORHOOD PLAN RECOMMENDS ZONING IT TO WHAT IS PROBABLY A BETTER AND MOST EFFECTIVE USE OF THE PROPERTY, WHICH IS SINGLE-FAMILY. TRACT RDW 748-A, 3405 DUVAL, CURRENTLY IT'S A TRIPLEX. THE FUTURE LAND USE CALLS FOR SINGLE-FAMILY. THE EXISTING ZONING IS MF-3. THE PROPOSED ZONING IS SF-3, NCCP-NP. THIS IS PRETTY MUCH A SIMILAR SITUATION TO THE ONE ABOVE IT AND SURROUNDED BY SINGLE-FAMILY. AND THE LIKELIHOOD OF BEING ABLE TO REDEVELOP MULTI-FAMILY ON THAT PROPERTY WOULD BE DIFFICULT. AND THERE'S A VALID PETITION. 3410 AND 3412 SPEEDWAY IS CURRENTLY OCCUPIED BY DUPLEXES. IT HAS MF-4 ZONING. THE PLAN RECOMMENDS MF-1, NCCD-NP. THE OWNER OF THE PROPERTY] WOULD LIKE TO RETAIN HIS MF-4 ZONING, AND THERE IS A VALID PETITION. TRACT SD-8, 31083108 HELMS STREET, IS CURRENTLY A MIXED OFFICE TYPE OF SETTING. IT COMPRISES SEVERAL SMALL HOMES THAT HAVE BEEN

CONVERTED OVER THE YEARS. THE CURRENT ZONING IS CS. THE PLAN CALLS FOR N.O.--NCCP-NP. THE OWNER HAS FILED A VALID AT THE PITION AND HE IS WISHING TO RETAIN HIS CURRENT ZONING. AT 3202 SPEEDWAY AND 3206 EAST 30TH STREET, WE HAVE A TRIPLEX LOCATED THERE. THE EXISTING ZONING IS MF-4. WE'RE PROPOSING AN MF-4-NCCD. THE ONLY DIFFERENCE THAT I'VE BEEN ABLE TO FIND BETWEEN WHAT'S PROPOSED WITH THE NCCD AND THE CURRENT ZONING WOULD BE A HEIGHT LIMITATION THAT THE NCCD PLACES ON IT. IT'S UNLIKELY THAT THEY WOULD BE ABLE TO DEVELOP THE 60-FOOT HEIGHT LIMIT THAT FOUR WOULD ALLOW CURRENTLY. THE OTHER PROPERTIES IN THE AREA HAVE THAT SAME 40-FOOT LIMITATION ON THEM. AND THAT'S IT FOR NORTH UNIVERSITY. DO YOU HAVE ANY QUESTIONS?

Mayor Wynn: QUESTIONS, COUNCIL? SHALL WE GO THROUGH HANCOCK?

GOOD EVENING, MAYOR, MAYOR PRO TEM, MEMBERS OF THE COUNCIL. MY NAME IS JACKIE SHEERER WITH NEIGHBORHOOD PLANNING AND ZONING. AND THIS EVENING I'LL DISCUSS WITH YOU THE HANCOCK NEIGHBORHOOD PLANNING AREA. STARTING ON PAGE 21 OF YOUR MOTION SHEET, THE FIRST TWO ITEMS, TRACT 503, 503-A AND 503-B, THESE TRACTS OF ALL PART OF THE EPISCOPAL SEMINARY. I SEPARATED OUT THESE TRACTS THINKING THAT THE NEIGHBORHOOD WOULD WANT TO POSTPONE THEM, BUT SPEAKING WITH THE NEIGHBORHOOD PRESIDENT TODAY, THEY'RE OKAY WITH GOING ON SECOND READING FOR THOSE TRACTS. THEY'RE STILL WORKING WITH THE SEMINARY TO DEVELOP A RESTRICTIVE COVENANT, BUT THEY'RE MAKING PROGRESS. TRACTS 515 THROUGH 516, 924 TO 926 EAST DEAN KEATON, THIS PROPERTY IS LOCATED AT THE CORNER OF DEAN KEATON AND RED RIVER. AFTER THE PLANNING COMMISSION THE PROPERTY OWNER MET WITH THE NEIGHBORHOOD AND THEY WORKED OUT AN AGREEMENT, WHICH IS GR-MU-CO,/CO-NP. WITH THIS ZONING THE BOTTOM 15 FEET OF THE BUILDING COULD BE COMMERCIAL MIXED USE. AND THE UPPER FLOOR UP TO 60 FEET COULD BE A HIGH DENSITY MULTI-FAMILY, WHICH IS THE MF-6. AND THE CONDITIONAL LIMIT OVERLAY HEIGHT AS WELL AS THE BUILDING COVERAGE AND IMPERVIOUS COVER

TO GR STANDARDS. THE NEIGHBORHOOD AND PROPERTY OWNER ARE IN AGREEMENT ON THAT. ON TRACT 551, 506 EAST 40TH STREET. THIS PROPERTY WAS ONE THAT AGAIN THE PROPERTY OWNER AND THE NEIGHBORHOOD DISCUSSED AFTER THE PLANNING COMMISSION HEARING, SO AFTER WHAT YOU APPROVED ON FIRST READING. THE PROPERTY HAS A SINGLE-FAMILY HOUSE AT THIS TIME, BUT MF-4 ZONING, THE PROPERTY OWNER RECENTLY GOT A BUILDING PERMIT TO EXPAND HIS HOUSE WITH IMPERVIOUS COVER WHICH GOES BEYOND THAT ALLOWED IN SF-3, WHICH IS WHAT STAFF MEMBERS HAD PROPOSED. SO IN ORDER TO ACCOMMODATE THAT USE, NEIGHBORHOOD AND STAFF AND THE PROPERTY OWNER AGREED TO MF-3-CO-NP TO ALLOW THE ADDITIONAL IMPERVIOUS COVER, BUT LIMITING THE USES TO THOSE ALLOWED IN SINGLE-FAMILY. TRACTS 563, IT'S THE ONLY TRACT IN HANCOCK WHERE WE HAVE A PETITION LOCATED AT 4427 TO 4429 DUVAL, WHICH IS THE SOUTHEAST CORNER OF 45TH AND DUVAL. THE PROPERTY CURRENTLY HAS A SERVICE STATION AND CONVENIENCE STORE AND A COIN LAUNDRY. THE NEIGHBORHOOD AND THE PROPERTY OWNER AND STAFF HAVE MET SEVERAL TIMES, BUT WEREN'T ABLE TO AGREE ON A CONDITIONAL OVERLAY. THERE'S A NUMBER OF PROHIBITED USES, BUT THE PRIMARY ONE UNDER DISCUSSION WERE AUTO ORIENTED USES, THAT'S AUTO REPAIR, AUTO SALES, AUTO WASHING, SERVICE STATION AND DRIVE-THROUGH USES. AND THE PROPERTY OWNER WOULD LIKE FOR THESE TO BE PERMITTED, THE NEIGHBORHOOD WOULD LIKE FOR THEM TO BE CONDITIONAL. AND WE DISCUSSED THE POSSIBILITY OF MAKING THE SERVICE STATION PERMITTED ON THE PORTION OF THE SITE WHERE IT'S CURRENTLY LOCATED THAT WOULD REQUIRE A SURVEY, WHICH WE HAVEN'T BEEN ABLE TO DO. BUT WE CAN PURSUE THAT AS AN OPTION. AND TRACT 2104, I PULLED OUT ALSO EXPECTING THAT THERE MAY BE AN ALTERNATE RECOMMENDATION FROM THE NEIGHBORHOOD, POSSIBLY A REQUEST TO POSTPONE IT, BUT AT THIS TIME THE PROPERTY OWNER AND THE NEIGHBORHOOD ARE STILL WORKING AND HAVEN'T COME TO AN AGREEMENT. STAFF IS STILL SUPPORTING THE SF-2-CO-NP ZONING, WHICH IS THE SAME AS FOR THE REST OF THE NEIGHBORHOOD. THIS AREA. AND YOU MAY RECALL THESE ARE THE CALCASIEU

COTTAGES THAT CAME BEFORE YOU LAST YEAR FOR HISTORIC ZONING, BUT WHICH TWO OF THEM GOT REZONED TO SF- 2, CO-NP. AND THAT IS IT FOR THE HANCOCK NEIGHBORHOOD. >>COUNCILMEMBER MCCRACKEN?

McCracken: IS THIS THE CASE THAT WE HAD ALL THE VOTES AND WE FINALLY ENDED UP WITH A SETTLEMENT AGREEMENT BETWEEN THE NEIGHBORHOOD AND THE PROPERTY OWNER TO DO SF-2? AND NOW THEY WANT TO UNDO THE DEAL AFTER A HANDFUL OF MONTHS AND GO TO MF-6?

I BELIEVE THE REQUEST FOR MF-6-CO APPLIES TO ONLY TWO OF THE FOUR PROPERTIES. IT WAS ORIGINALLY TWO PROPERTIES WITH TWO COTTAGES. IT WAS RECENTLY SUBDIVIDED INTO FOUR PROPERTIES. SO TWO OF THEM HAVE COTTAGES, TWO OF THEM DON'T. SO THE PROPERTY OWNER DESIRES TO EXPAND, MAKE IT A LARGER DEVELOPMENT ON THE TWO TRACTS THAT DON'T HAVE COTTAGES, AND THAT'S WHY THEY'RE INTERESTED IN HEIGHTER ZONING. THE PURPOSE OF THE MF-66 REQUEST THERE WAS TO ALLOW ADDITIONAL IMPERVIOUS COVER. THE WAY THE LOTS ARE SUBDIVIDED, THEIR FLAG LOTS AND IN ORDER TO ACCOMMODATE A LONGER DRIVEWAY, THEY WOULD NEED THE IMPERVIOUS COVER COVER. AND PROPERTY OWNER'S AGENT IS HERE IF YOU HAVE ANY MORE DETAILED QUESTIONS. >>

McCracken: I WANT TO MAKE SURE I UNDERSTAND CORRECTLY. THIS IS PART OF THE CASE THAT WE'VE REACHED AN AGREEMENT ON IS SF-2.

YES.

McCracken: OKAY.

MAYOR, COUNCILMEMBERS, I NEED TO MAKE A CORRECTION. ON PAGE 20 OF 23, TRACT RDW 748-A, THE ADDRESS IS AT 3405 CEDAR. AND I HAD MENTIONED DUVAL IN IN ERROR.

MAYOR AND COUNCIL, I'M READY TO LOOK AT THE MOTION SHEET, THE FRONT PAGE. ITEM -- MOTION 1 YOU

POSTPONED AS PART OF YOUR CONSENT AGENDA. ITEM 2, APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA ON SECOND READING EXCEPT FOR THE FOLLOWING TRACTS THAT I WENT OVER AT LENGTH AT THE BEGINNING OF THIS PRESENTATION. AND THEN THE NEXT MOTION WOULD BE TO APPROVE THE NEIGHBORHOOD CONSERVATION COMBINING DISTRICT FOR THE NORTH UNIVERSITY NEIGHBORHOOD EXCEPT FOR THE TRACT MR. BOLT WENT OVER AND APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE HONOR COCK NEIGHBORHOOD PLANNING AREA EXCEPT FOR THE TRACTS THAT MS. SHOOTER MENTIONED. WE COULD START WITH THE WEST UNIVERSITY AND THEN WORK THROUGH TO HANCOCK. >>

Mayor Wynn: SOUND LIKE A PLAN. THIS WOULD BE FOR SECOND READING?

SECOND READING ONLY. WE PROPOSE THIRD READING NEXT THURSDAY.

Mayor Wynn: OKAY. SO COUNCIL, I'LL ENTERTAIN A MOTION 2 ON OUR SPREADSHEET. MOTION MADE BY COMK TO APPROVE -- BY COUNCILMEMBER MCCRACKEN TO APPROVE THE NEIGHBORHOOD PLANNING DISTRICT FOR THE NEIGHBORHOOD EXCEPT FOR THE FOLLOWING TRACTS, TRACT 33, 34, 35, 36, 40, 43, 44, 49, 52, TRACT 92, TRACT 99-A, TRACT 133, TRACT 133-A, TRACT 148, TRACT 180. TRACT 201, TRACT 204, TRACT 236, TRACT 1019.

AND THEN TAKE ACTION ON EACH OF THE INDIVIDUAL CASES ON SECOND READING, OR YOU COULD GO WITH THE STAFF RECOMMENDATION.

Mayor Wynn: SO WE HAVE A MOTION ON THE TABLE, SECONDED BY COUNCILMEMBER DUNKERLEY. THANK YOU. AND ON THE INDIVIDUAL TRACTS COULD WE INCORPORATE THAT INTO THE SAME MOTION?

YES, YOU CAN, MAYOR.

Slusher: THE MOTION IS TO DO ALL THESE INDIVIDUAL

CONTESTED TRACTS IN THE SAME MOTION? >>

MAYOR WYNN: THE MOTION DIDN'T INCLUDE THAT, BUT IT MIGHT NOW.

McCracken: AND THE QUESTION I GUESS IS -- I DON'T HAVE ANY OPINION REALLY AT ALL ON THIS. IS IT WHETHER WE DO THE INDIVIDUAL CONTESTED MATTERS TONIGHT OR WHETHER WE GO WITH STAFF RECOMMENDATION TONIGHT AND THEN TAKE IT UP ON THIRD READING? I'LL JUST DEFER TO THIRD READING. MY MOTION WILL BE THEN TO DO IT TONIGHT AND TO WITH STAFF RECOMMENDATION ON SECOND READING WE CAN TAKE THAT UP ON THIRD READING, THE INDIVIDUAL ONES.

Mayor Wynn: SO THE MOTION THEN IS TO APPROVE THE WEST UNIVERSITY NEIGHBORHOOD PLAN COMBINING DISTRICT ON SECOND READING, AND ON THE EXCEPTED TRACTS THAT WERE LISTED, APPROVE STAFF RECOMMENDATION AGAIN ON SECOND READING ONLY.

McCracken: I DON'T HAVE A STRONG FEELING ABOUT THAT. IF MY COLLEAGUES WANT TO TAKE IT UP INDIVIDUALLY, I'M FINE WITH THAT.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: I'D LIKE TO CONSIDER THOSE TWO MOTIONS SEPARATELY. AND THEN I THINK TYPICALLY WE GO THROUGH TRACT BY TRACT AND DECIDE ON FIRST READING AND TRY TO ADDRESS SOME OF THE ISSUES. THAT'S WHAT WE'RE TRYING TO AVOID THIS TIME. WE DID THAT ON FIRST READING, AND I THOUGHT WE WERE GOING TO TAKE TIME ON SECOND READING TO GO TRACT BY TRACT AND VOTE, SO I'D RATHER US HANDLE IT THE WAY WE'VE DONE IT IN THE PAST BECAUSE AGAIN, I DON'T WANT TO BE IN A POSITION WHERE ON THIRD READING WE'RE FINALLY STARTING TO DO THE TRACT BY TRACT CONSIDERATION.

McCracken: THAT'S THE ACTUAL SUGGESTION. I'LL AMEND MY MOTION TO WHERE WE DO THE INDIVIDUAL TRACTS SEPARATELY.

Mayor Wynn: TECHNICALLY THE MOTION IS FOR THE WEST NEIGHBORHOOD PLAN COMBINING DISTRICT ON SECOND READING EXCEPTING ALL OF THOSE LISTED TRACTS. SO CURRENTLY THE MOTION IS JUST FOR THE NEIGHBORHOOD PLAN FOR THOSE UNCONTESTED TRACTS ON SECOND READING ONLY. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO ON SECOND READING WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS.

AND THEN IT WOULD BE A SIMILAR MOTION FOR THE NORTH UNIVERSITY NEIGHBORHOOD CONSERVATION COMBINING DISTRICT TO APPROVE, SAVE AND EXCEPT THE ONES THAT HAVE BEEN CALLED OUT BECAUSE --

COUNCIL, THE PLAN IS TO GO THROUGH AND DO ALL THREE OF THESE --

WITH THE EXCEPTION OF --

Mayor Wynn: WITH THE LIST OF TRACTS.

IT WAS POINTED OUT TO ME THAT TRACTS 503, 503-A AND 3503-B WOULD NOT NEED TO BE CALLED OUT. THEY COULD BE INCLUDED IN THE MOTION FOR IMPROVING THOSE WITH THE HANCOCK HAN NEIGHBORHOOD PLANNING COMBINING DISTRICT.

Mayor Wynn: COUNCIL, I'LL ENTERTAIN MOTION NUMBER 3 ON OUR SPREADSHEET, WHICH IS TO COMBINE THE NEIGHBORHOOD PLANNING COMBINING DISTRICT FOR THE NORTH UNIVERSITY NEIGHBORHOOD FOR SECOND READING ONLY EXCEPT FOR THE FOLLOWING TRACTS, APB 843, APB 843, RDE 797. RDW 739-A. RDW 748-A. SD 874,. SD 880. SD 884-C. MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER DUNKERLEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DIAS. AND COUNCIL, LIKEWISE I'LL ENTERTAIN A MOTION NUMBER 4, WHICH WAS TO APPROVE THE NEIGHBORHOOD PLAN COMBINING DISTRICT FOR THE HANCOCK NEIGHBORHOOD PLANNING AREA ON SECOND READING, EXCEPT THE FOLLOWING TRACTS: TRACT 515 AND 516, TRACT 551, TRACT 563. TRACT 2104.

Alvarez: SO MOVE.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE MOTION AS READ. SECOND READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DIAS.

AND I GUESS NEXT WE WOULD PROCEED TO PAGE 2 OF 23 ON YOUR MOTION SHEET AND TRACT 30. THE PROPOSAL IS TO GO FROM MULTI-FAMILY 4 TO MULTI-FAMILY 4 WITH THE CONDITIONAL OVERLAY LIMITING FUTURE BUILDING HEIGHTS TO 45 FEET AS OPPOSED TO THE CURRENT 60, SO IT REMOVES PRETTY MUCH A 4-3 STORY BUILDING.

SO I'LL ENTERTAIN A MOTION ON TRACT 30 IN THE WEST UNIVERSITY AREA. FOR SECOND READING ONLY, I PRESUME.

THAT'S CORRECT.

McCracken: I'LL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COMK TO APPROVE -- COUNCILMEMBER MCCRACKEN TO APPROVE THE MF-4-NO-NP, WHICH IS THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, TRACT 30. ON SECOND READING ONLY.

Alvarez: I'LL SECOND THAT.

Mayor Wynn: SECONDED BY COUNCILMEMBER ALVAREZ.

FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? THE MOTION PASSES ON A VOTE OF SIX TO ZERO WITH THE MAYOR PRO TEM OFF THE DIAS.

THE NEXT TRACT WOULD BE TRACT 33, 1903, 1905 AND 1909 ROBBINS PLACE. THERE IS A VALID PETITION, BUT ON SECOND READING ONLY FOUR VOTES ARE REQUIRED.

Mayor Wynn: IF I COULD, COUNCIL, BEFORE I ENTERTAIN A MOTION, TRACTS -- 33 PERHAPS DOESN'T APPLY AS MUCH, BUT 33, 34, 35, HERE ALL SEEMINGLY ADJACENT PROPERTIES, IF YOU CAN'T BRIEFLY WALK ME THROUGH AGAIN, YOU CAN TAKE ALL THREE OF THOSE, WHY DO WE HAVE A DIFFERENT HEIGHT LIMITATION.

THE HEIGHT LIMITATIONS REFLECT THE STEPPING DOWN. THIS IS VERY CLOSE TO THE SOUTHWESTERN BOUNDARY OF THE UNIVERSITY PROPOSED -- PROPOSED UNIVERSITY NEIGHBORHOOD OVERLAY AND THIS IS AGAIN PART OF THE TRANSITION ZONE OR THE BUFFER ZONE BETWEEN THE POSSIBLE DENSITY THAT MAY BE ALLOW UNDER THE UNO AND THE WEST UNIVERSITY NEIGHBORHOOD. AND THE HEIGHTS CORRESPOND POSITIVE MORE OR LESS THE EXISTING USES. IF IT'S AN EXISTING USE AS A SINGLE-FAMILY, TRY TO KEEP THAT SCALE WITH THE SINGLE-FAMILY SCALE, AND IF IT'S A MULTI-FAMILY, LIMIT THE HEIGHT OF THE MULTI-FAMILY TO KEEP IT MORE IN SCALE WITH THE SURROUNDINGS.

Mayor Wynn: SO BASED ON THAT, SO TRACT 35, THE RECOMMENDATION IS TO LIMIT THAT HEIGHT TO 40 FEET, THAT BEING THE CORNER OF ROBBINS AND 22nd. AND THEN 34, SEEMINGLY ADJACENT TO THE SOUTH, THE HEIGHT LIMITATION DROPS TO 30 FEET. SO NOW ON 33 WHAT IS -- I DON'T SEE A HEIGHT LIMITATION IDENTIFIED ON THE RECOMMENDATION.

THERE IS NOT ONE RECOMMENDED. THAT WOULD BE 40 FEET, AND THAT'S ALSO TRANSITIONING TO THE OFFICE

THAT WOULD BE TRACT 32.

Mayor Wynn: BUT THE -- IT SEEMS TO ME THAT WE HAVE -- 40 FEET, 30 FEET, 40 FEET, ALONG THAT. I DON'T SEE SORT OF A RATIONALE IN EITHER DIRECTION.

WELL, THIS AREA HERE THE NEIGHBORHOOD WAS TRYING TO CODIFY THE LAND USE TO THE ZONING. AND AGAIN, THIS IS A STRANGE ZONE THAT MAKES IT MULTI-FAMILY AND SINGLE-FAMILY USES. AS YOU MOVE FURTHER TO THE WEST TOWARDS TRACTS 1,000, 1,001, 1,002, THE AREA DOES DROP TO PRIMARILY SINGLE-FAMILY. AND THIS IS A STRANGE TRANSITION ZONE BETWEEN THE TWO AREAS.

Mayor Wynn: AND ESSENTIALLY WE HAVE HAVE VALID PETITIONS ON ALL THREE OF THOSE TRACTS WE ANTICIPATE AT LEAST BY THIRD READING.

WITH THE EXCEPTION OF TRACT 36.

Dunkerley: MAYOR? YOU STIMULATED A QUESTION FOR ME. I HAD WRITTEN DOWN -- FIRST OF ALL, ALL OF THESE TRACTS FROM 33, 34, 35 AND 36, ARE ARE THEY ADJACENT TO EACH OTHER?

ADJACENT OR ACROSS THE STREET. THE ODD NUMBER ONES WOULD BE ON THE EAST SIDE, WHEREAS THE WEST SIDE WOULD HAVE THE EVEN NUMBERED ADDRESSES.

Dunkerley: I HAD WRITTEN DOWN SOMETHING DIFFERENT FOR TRACT 30 AND 33, I HAVE 45 FEET, IS THAT CORRECT?

FOR TRACT 30 IT WOULD BE -- THE COUNCIL VOTED TO GO WITH THE NEIGHBORHOOD PLAN AT 45 FEET, WHEREAS IN TRACT 33, THAT WOULD BE LIMITED TO 40 FEET.

Dunkerley: 40 FEET?

ON 33. THAT'S WHAT THE BASE ZONING WOULD ALLOW.

Dunkerley: AND THEN 34 WOULD BE 30 FEET. I'M JUST TRYING TO CLARIFY MY HEIGHT. IT IS CONFUSING. AND 35 AGAIN IS

40 FEET.

THAT'S CORRECT, COUNCILMEMBER.

Dunkerley: SO ARE THE TWO 40'S ON ONE SIDE OF THE STREET?

NO, THEY'RE ON THE SAME SIDE, BUT THEY'RE SEPARATED BY THREE OR FOUR SINGLE-FAMILY USES, BE IT DUPLEXES OR SINGLE-FAMILY USES.

I THINK I GOT AN E-MAIL ON THIS ONE. THIS IS REALLY -- THERE ARE A LOT OF PROPERTIES HERE. AND I'M JUST WONDERING IF -- I DON'T REALLY KNOW WHO SENT THE E-MAIL, WHETHER IT WAS THE OWNER OR THE AGENT. IS THERE ANYONE HERE REPRESENTING THESE PROPERTIES THAT COULD TELL ME WHAT --

I THINK THE AGENT FOR TRACT 35 IS HERE. THAT WOULD BE RON THORPE.

Dunkerley: OKAY. IF RON COULD EXPLAIN TO ME. >>

MAYOR WYNN: IF YOU WOULDN'T MIND USING THIS PODIUM OVER HERE BECAUSE WE MIGHT NEED STAFF.

Dunkerley: I'M NOT SURE THAT THE E-MAIL THAT I RECEIVED WAS FROM YOU, BUT I THINK THAT YOU COULD PROBABLY ANSWER IT. WHAT WAS YOUR RATIONALE FOR -- YOUR OWNER'S RATIONALE FOR OBJECTING TO IT THE WAY THE HEIGHT WAS TRYING TO BE GRADUATED? CAN YOU GIVE ME AN EXPLANATION?

COUNCILMEMBER DUNKERLEY, MY NAME IS RON THOR, REPRESENTING TRACT 34 AND 35. TRACT 34 IS YES, IT IS CURRENTLY A DUPLEX USE OF THE PROPERTY, BUT IT IS ZONED MF-4, HAS BEEN ZONED FOR MULTI-FAMILY USE FOR A PERIOD OF 73 YEARS. IT'S MY UNDERSTANDING THAT THE NEIGHBORS ARE TRYING TO ACHIEVE A TRANSITION OF HEIGHT FROM THE HEIGHT THAT THEY MOVE DOWN INTO THE SINGLE-FAMILY NEIGHBORHOOD. THERE'S PROTECTIONS ALREADY IN THE LAND DEVELOPMENT CODE WITH THE COMPATIBILITY STANDARDS THAT LIMIT HEIGHT

AS TRIGGERED BY SINGLE-FAMILY ZONED PROPERTY END USES. AND WE HAVE CONCERNS NOT ONLY WITH REDUCING THE HEIGHTS THAT CURRENTLY ARE GIVEN TO THE PROPERTY TODAY, BUT ALSO ADDING ANOTHER LAYER OF REGULATIONS INTO A PROCESS THAT IN SOME WAY CAN ALREADY BE CUMBERSOME. IF THE CAPABILITY STANDARDS ARE THERE ALREADY TO PROTECT THE NEIGHBORS, THEN LET THAT STAND. THE COMPATIBILITY STANDARDS HAVE BEEN AROUND SINCE THE MID '80'S AND HAVE WORKED FINE. THERE IS A MECHANISM TO TRY AND ACHIEVE ADDITIONAL HEIGHT, AND THAT IS THROUGH THE BOARD OF ADJUSTMENTS, WHICH IS A PUBLIC HEARING PROCESS WHERE THE NEIGHBORS DO HAVE INPUT AT THAT TIME. AS COUNCILMEMBER MCCRACKEN SAID EARLIER, TRACT 34 IS NOW BEING ZONED TO AN SF PROPERTY. IT HAS MULTI-FAMILY DIRECTLY EAST AND DIRECTLY WEST WITH THE GREATER HEIGHT. AND WHY ARE WE SANDWICHING IN THAT PARTICULAR INSTANCE A SINGLE-FAMILY ZONING IN BETWEEN MULTI-FAMILY PROPERTIES? AGAIN, WE WOULD APPRECIATE THE OPPORTUNITY TO RETAIN THE EXISTING ZONING AND KEEP THE PROPERTY THAT WE HAVE TODAY.

Dunkerley: THANK YOU.

Mayor Wynn: IT SEEMS TO ME, AND MR. THOR'S COMMENT IS WELL TAKEN THAT THE COMPATIBILITY STANDARDS -- AND THE SAME ARGUMENT COULD BE MADE, IT SEEMS TO ME, THAT IF THE COMPATIBILITY STANDARDS ARE THERE ALREADY THAT LIKELY PREVENT SOME ADDITIONAL HEIGHT BASED ON THE ADJACENT -- WHATEVER THE COMPATIBILITY ISSUE IS, THEN A WELL THOUGHT OUT SERIES OF HOPEFULLY PLANNING PRINCIPLES THROUGHOUT THE NEIGHBORHOOD PLAN DICTATE THAT AND TAKE THAT INTO CONSIDERATION. IS IT YOUR UNDERSTANDING THAT THESE HEIGHT LIMITATIONS AS PROPOSED ESSENTIALLY CORRESPOND TO WHAT OTHERWISE WOULD BE THE COMPATIBILITY STANDARDS?

WELL, WITH THE -- WITH THE TRACT NUMBER 52 IMMEDIATELY TO THE NORTH OF 35 WAS TO GO TO SINGLE-FAMILY, WHICH IS THE PROPOSAL AND WHICH IS THE PREDOMINANT USE THERE, THAT WOULD TRIGGER THE COMPATIBILITY ON THE NORTH SIDE OF THE PROPERTY, AND

TRACT 34, IF THERE WAS A SINGLE-FAMILY USE, BE IT DUPLEX OR TWO FAMILY OR SINGLE-FAMILY HOUSE, WOULD TRIGGER COMPATIBILITY STANDARDS AS WELL ON TRACT NUMBER 35. SO WITHOUT LOOKING AT IT A LOT MORE IN-DEPTH, I COULDN'T GIVE CLEAR ANSWERS, BUT I IMAGINE THAT IT WOULD PROBABLY BE LIMITED TO -- TRACT 35 WOULD BE LIMITED TO THE 30 TO 40-FOOT HEIGHT DEPENDING -- WITHOUT DOING A MORE CLOSER ANALYSIS, I COULDN'T GIVE YOU SPECIFICS. AND MORE THAN LIKELY IT WOULD BE LIMITED TO 30 FEET IN HEIGHT ON THE DOMINANT -- MOST OF TRACT 35 WOULD BE LIMITED TO ABOUT 30 FEET IN HEIGHT.

Mayor Wynn: BUT IF THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION INCLUDES THE HEIGHT LIMIT OF 40 FEET, WHICH ONE TRUMPS?

IT WOULD BE THE COMPATIBILITY WOULD TRUMP ANYTHING. THAT WOULD BE THE DOMINANT REGULATING FACTOR IN THIS AREA.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: AND THEN ON 34 WE'RE DOWN ZONING FROM MF TO SF-3 AND THE PROPOSAL IS TO DO THAT, BUT THEN WE'RE LIMITING THE SF-3 TO 30 FEET INSTEAD OF THE NORMAL 35 FEET?

THAT IS BEING PROPOSED THROUGHOUT THE ENTIRE PLANNING AREA. OVER THE PAST FEW YEARS NEIGHBORHOODS IN ALL THREE OF THE PLANNING AREAS HAVE COMMUNICATED TO US HAVE SOME VERY LARGE SINGLE-FAMILY HOUSES HAVE BEEN BUILT THAT MAY NOT BE IN CHARACTER WITH THE EXISTING HISTORIC HOMES IN THE AREA. AND THIS WAS A WAY TO LIMIT LARGE HOUSES HULKING OVER THE SMALLER EXISTING HOMES. AND THREE STORIES WOULD GET -- 30 FEET WOULD GET YOU A TWO AND A HALF STORY HOUSE.

Alvarez: SO YOU'RE SAYING EVERYTHING WITH THE YELLOW AND THE DOTS IS GOING TO HAVE THE SAME RESTRICTION?

THAT IS CORRECT. AND STAFF AGREED IN LARGE PART TO

THIS RESTRICTION ON THE SINGLE-FAMILY WITH THE UNDERSTANDING THAT SIGNIFICANTLY GREATER DENSITIES WOULD BE ALLOWED IN THE AREA, AND THIS WOULD ACT AS SOMEWHAT OF A PRESERVATION TO THE CHARACTER OF THESE NEIGHBORHOODS.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS?
TECHNICALLY WE'RE STILL ON TRACT 33, CORRECT?

THAT'S CORRECT.

Mayor Wynn: I'LL ENTERTAIN A MOTION ON SECOND READING, TRACT 33.

Alvarez: ANOTHER QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: SO GETTING BACK TO THE SF-3 3 WITH THE 30-FOOT HEIGHT, SO ALL THESE TRACTS FOR WHICH THERE IS NO VALID PETITION AND ANY CONCERNS BEING EXPRESSED BY THE HOMEOWNERS, WE'VE ALREADY APPROVED AT LEAST ON SECOND READING THOSE -- THAT PARTICULAR RESTRICTION. WELL, BASED ON THAT DISCUSSION, I THINK I PERSONALLY AM SUPPORTIVE OF THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION ON ALL -- ALL FOUR OF THOSE, BUT I DON'T KNOW IF FOLKS WOULD LIKE TO TAKE THOSE SEPARATELY. ON 33, 34, 35 AND 36.

Mayor Wynn: MOTION BY COUNCILMEMBER ALVAREZ TO COMBINE TRACTS 33 THROUGH 36, THE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION. >>

McCracken: I'D LIKE TO TAKE THEM ONE AT A TIME BECAUSE I HAVE A CONCERN -- BECAUSE OTHERWISE --

Mayor Wynn: WHICH ONE WOULD YOU LIKE TO PULL OUT? >>

MCCRACKEN: 34 IS THE ONE I WOULD LIKE TO PULL OUT. IT SEEMS IRREGULAR WITH THE REST.

Mayor Wynn: COUNCILMEMBER ALVAREZ, COULD YOU AMEND YOUR MOTION TO TAKE OUT TRACT 34 AND GO AHEAD AND

KEEP 35 AND 36? OR --

Alvarez: JUST TO MAKE IT --

McCracken: I KNOW YOU JUST ASKED THIS, COUNCILMEMBER. EVEN IF WE DID ALLOW 40 FEET IN HEIGHT AND IT WOULD STILL BE THE COMPATIBILITY ISSUE.

JUST EYEEYEBALLING IT RIGHT NOW, IT WOULD PROBABLY -- IF THERE WAS A DUPLEX FOR SINGLE-FAMILY USE OR SINGLE-FAMILY ZONING ON TRACT 34 THAT WOULD LIMIT BOTH THE HEIGHTS OF BOTH TRACTS 35 AND 33, NOT TO MENTION TRACT 30 IMMEDIATELY TO THE EAST, BUT I UNDERSTAND THAT'S A CONDOMINIUM PROJECT, SO THAT PROBABLY WOULD BE DEVELOPED AT ANY TIME IN THE IMMEDIATE FUTURE. SO THE COMPATIBILITY WOULD --

McCracken: I HAVE NO PROBLEM WITH COUNCILMEMBER ALVAREZ'S MOTION.

Mayor Wynn: BUT AGAIN, YOU'RE ANTICIPATING A VALID PETITION ON TRACT 34 FOR THIRD READING.

FOR TRACTS 33, 34 AND 35, THEY ARE OWNED BY THE ROBBINS PLACE LLP.

Mayor Wynn: SO I GUESS MY QUESTION IS SAY ON THIRD READING TRACT 34 BECAUSE OF A VALID PETITION, SF-3 IS NOT APPROVED, THEN -- AND SOMETHING SLIGHTLY TALLER OR MORE DENSE IS OR A SLIGHTLY DIFFERENT USE, WOULD THAT AFFECT THE LIKELY COMPATIBILITIES ON TRACT 35 AND 33?

ONLY IF ON TRACT 34 IF IT WAS SOMETHING ELSE WAS BUILT THERE AND. IF IT WAS STILL A SINGLE-FAMILY USE THERE, THAT COULD STILL AFFECT ON WHAT COULD BE DONE ON THE TWO ADJACENT TRACT?

Mayor Wynn: SO IT'S TRIGGERED BY THE ACTUAL USE ON THE GROUND. IF, FOR EXAMPLE, TRACT 34 WERE TO REMAIN A MULTI-FAMILY ZONING, IT'S ACTUALLY THE SINGLE-FAMILY STRUCTURE THERE THAT TRIGGERS THE COMPATIBILITY ON

EACH SIDE.

SINGLE-FAMILY OR ZONING.

Mayor Wynn: COMMENTS OR QUESTIONS?

Dunkerley: I HAVE A QUESTION. BEFORE THE THIRD READING ON ALL OF THESE PARTICULAR PROPERTIES THAT ARE SIMILAR TO THIS, UNLIKE YOU ALL TO PUT UP A TIME TO COME BY AND GO OVER A MATRIX OR GO OVER SOMETHING SO I CAN GET SOME RATIONALE FOR THE DIFFERENCES IN THE HEIGHTS, AND WHERE YOU THINK COMPATIBILITY STANDARDS WILL BE SO I CAN GO OUT AND LOOK AT THIS, IT'S REALLY CONFUSING BECAUSE IT LOOKS LIKE -- I DON'T KNOW WHAT'S THERE NOW. IT LOOKS LIKE IT'S GOING HERE, HERE, HERE, HERE. AND ON THIS SHEET I CAN'T TELL WHICH ONES GRAPHICALLY ARE BESIDE EACH OTHER OR WHAT THINGS ARE IN BETWEEN EACH OTHER. SO I NEED SOME HELP BEFORE THIRD READING.

Alvarez: MAYOR? AND REALLY WHAT I WOULD POINT OUT IS IT APPEARS THAT THEY'RE TRYING TO LIMIT THE MF TO 40 FEET, BUT -- IT IS BEING CONSISTENT IN TERMS OF HOW THEY'RE BEING TREATED ACROSS THE NEIGHBORHOOD.

Mayor Wynn: SO COUNCILMEMBER MCCRACKEN, ARE YOU COMFORTABLE AGAIN WITH A COMBINED MOTION? SO WE HAVE A MOTION ON THE TABLE OF COUNCILMEMBER ALVAREZ, TRACTS 33, 34, 35 AND 36 FOR SECOND READING ONLY, THE NEIGHBORHOOD PLAN STAFF RECOMMENDATIONS.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? SECOND READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO ON SECOND READING ONLY.

THE NEXT TRACT IS TRACT 40, AND STAFF AND THE NEIGHBORHOOD PLAN AND NEIGHBORHOOD IS RECOMMENDING GENERAL OFFICE, AND THE PROPERTY OWNER HAS NOT FILED A VALID PETITION AND DOESN'T HAVE PETITION RIGHTS IN THIS REGARD WOULD LIKE TO HAVE THE MIXED USE COMBINING DISTRICT THERE, BUT AS I MENTIONED IN AN EARLIER PART MY PRESENTATION IS THAT THE NEIGHBORHOOD, WEST UNIVERSITY, STRONGLY OPPOSED, AND MY UNDERSTANDING IS THE JUDGE'S NEIGHBORHOOD ACROSS THE SIDE OF MLK HAS RESERVATIONS ABOUT MIXED USE COMBINING DISTRICT ON THIS SITE. THEY CONSIDER IT A GATEWAY INTO THIS PART OF THE CITY.

Mayor Wynn: MEANING THEY WANT TO SEEK COMMERCIAL DEVELOPMENT THERE, NOT A MIXTURE OF COMMERCIAL AND RESIDENTIAL?

YES. AND IT'S ALSO AT THE BOTTOM OF MLK WHERE MLK APPROACHES LAMAR. IT'S NOT VERY ACCESSIBLE PEDESTRIANWISE. IT'S NOT -- DOESN'T CONNECT TO THE CAMPUS AREA BY SIDEWALK. ALTHOUGH THERE ARE SIDEWALKS BEING BUILT ON LAMAR NOW, THERE'S -- THEY JUST DON'T CONNECT TO THE NEIGHBORHOOD PROPER, BUT THEY ARE KIND OF A LITTLE NODE ALL BY THEMSELVES OUT THERE, AND IT'S ACROSS FROM PEASE PARK.

Mayor Wynn: AND STAFF GOES ALONG WITH NOT HAVING MIXED USE DESIGNATION ON THE TRACT?

THAT IS CORRECT. WE'RE NOT RECOMMENDING MIXED USE FOR ANY OF THE TRACTS THERE, BE IT 40, 41 AND 42. AND I UNDERSTAND THERE'S A RESTRICTIVE COVENANT ON TRACT 41 THAT SAYS THAT ANY TIME IT GOES -- A COMMERCIAL BUSINESS SEES OPERATION THAT IT WILL REVERT BACK TO OFFICE ZONING. SO IT WOULD CREATE KIND OF A WHOLE RING OF OFFICE ALONG MLK AND UP LAMAR.

McCracken: MAYOR, MY UNDERSTANDING IS TYPICALLY WHEN YOU HAVE A PLACE, PROBABLY 25 YARDS FROM A MAJOR URBAN PARK AND THE SIDEWALKS AND STUFF LIKE THAT, THAT IN THE URBAN CORE WE'RE TRYING TO PROMOTE DENSITY OF LIVING, I'M TRYING TO UNDERSTAND

FROM AN URBAN LIVING STANDPOINT THAT YOU WOULD NOT WANT SOME EVEN LIMITED AMOUNT OF RESIDENTIAL ABOVE THE OFFICE OR COMMERCIAL ON A PLACE NEXT FOR THE TWO MAJOR CORRIDORS -- ON ON ONE MAJOR CORRIDOR NEXT TO A PARK, ETCETERA?

WELL, FROM -- WE FIGURED THAT OFFICE WOULD BE APPROPRIATE USE HERE. IT'S NOT A HIGH TRAFFIC GENERATOR. AND AS I STATED BEFORE, THERE'S NOT A LOT OF CONNECTIVITY PEDESTRIANWISE TO ANYPLACE ELSE HERE, KIND OF A COMMERCIAL NODE IN SOME REGARDS, ALTHOUGH IT'S IN THE MIDDLE OF THE CITY, IT IS SOMEWHAT ISOLATED OTHER THAN BY AUTOMOBILE RIGHT HERE. AND THAT WAS ONE OF THE CONCERNS. AND THE OTHER WAS A VOCAL CONCERN FROM THE WEST UNIVERSITY NEIGHBORHOOD, WHO JUST DID NOT WANT ANY TYPE OF MIXED USE ON THIS SITE. AND IT WAS SOMETHING THAT THEY ACTUALLY WANTED OFFICE AROUND THEIR NEIGHBORHOOD, AND THAT WAS ONE OF THE GUIDING FACTORS IN MAKING SOME OF THESE RECOMMENDATIONS. AND THERE ARE MEMBERS OF THAT NEIGHBORHOOD HERE WHO COULD SPEAK TO THAT IF YOU HAVE ANY QUESTIONS WITH THEM.

McCracken: I THINK IT WOULD BE HELPFUL. IT'S A LITTLE UNUSUAL FROM AN URBAN PLANNING STANDPOINT THAT WHEN YOU HAVE SOMETHING THAT CLOSE TO A PARK WITH A JOGGING TRAIL, FOR INSTANCE, THAT YOU WOULDN'T ALLOW SOME SMALL AMOUNT OF DWELLINGS ABOVE OFFICE SPACE.

MS. SANCHEZ CAN GO TO THE OTHER MIC.

Mayor Wynn: YOU'VE BEEN WAITING FOUR HOURS, MS. SANCHEZ. YOU MIGHT AS WELL SPEAK. , I'M MARY SANCHEZ. I'VE AN AN OWNER OCCUPIER IN THE WEST UNIVERSITY NEIGHBORHOOD SINCE 1972. AND I HAVE SEEN THE DETERIORATION AND DESTRUCTION OF THAT NEIGHBORHOOD OVER THOSE PAST 32 YEARS. WHAT IS HAPPENING -- AND JUST LET ME SAY A FEW WORDS ABOUT THE PATTERNS OF WHAT HAPPENS. DEVELOPERS BUY HOUSES. RIGHT NOW THEY ARE GUTTING THEM, TURNING THEM INTO DORMITORIES WITH NO PARKING SPACE,

PACKING STUDENTS INTO THEM WHO THEN RAISE HELL ALL NIGHT, AT LEAST THREE TO FIVE NIGHTS A WEEK. WE CAN'T SLEEP. WE WAKE UP IN THE MIDDLE OF THE NIGHT. PEOPLE MOVE OUT BECAUSE THEY CAN'T SLEEP. THERE ARE CARS ALL OVER THE YARDS. THERE IS TRASH. THE NEIGHBORHOOD IS DETERIORATED. THEY BUY ANOTHER HOUSE, THERE'S GREAT VALUE, TEAR IT DOWN, PUT UP BIG APARTMENTS. THE REASON WHY WE ARE OPPOSED TO MIXED USE ON LAMAR IS THAT IF THERE ARE STUDENTS LIVING UP THERE ON THE TOP FLOORS OF THOSE BUILDINGS, WE WILL BE GETTING IT FROM THE WEST AS WELL AS -- FROM THE WEST AS WELL AS FROM THE EAST AND WE WILL BE GONE. IF YOU APPROVE THE STAFF RECOMMENDATIONS ON THESE DISPUTED PROPERTIES, IT WOULD GIVE US SOME CHANCE TO PRESERVE THE NEIGHBORHOOD. IF THE PEOPLE WHO ARE OPPOSED TO STAFF RECOMMENDATIONS ON THIS NEIGHBORHOOD PLAN HAS THEIR OPPOSITIONS TO IT UPHELD, IT WOULD BE -- WE WOULD BE POCK MARKED WITH MORE OF THESE DORMITORIES AND LARGE APARTMENT BUILDINGS ONLY THREE BLOCKS BY THREE BLOCKS AT THIS POINT. WE WILL NOT BE ABLE TO SURVIVE. SO TO THE POINT THAT MARK IS RAISING, THE REASON WHY WE'RE ON OPPOSED TO MIXED USE ON LAMAR IS THAT IT PUTS PEOPLE, STUDENTS UP HIGH BOMBARDING US WITH NOISE FROM THE WEST AS WELL AS WHAT WE'RE ALREADY GETTING FROM THE EAST. SO SOMEBODY ELSE MAY HAVE SOMETHING MORE TO SAY. IN URBAN PLANNING IT LOOKS ABSOLUTELY IDEAL TO HAVE MIXED USE THERE BY A PARK.

McCracken: AND IF YOU HAD A KEG AND SOME 22-YEAR-OLDS --.

EXACTLY. FIVE NIGHTS A WEEK.

COUNCILMEMBERS, DO YOU NEED ANY ADDITIONAL EXPLANATION FROM PLANNING PRINCIPLES? MY NAME IS MIKE MCHONE WITH UNIVERSITY PLANNING PARTNERS. ARE YOU OKAY?

McCracken: I'M FINE. THAT MAKES SENSE.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS ON TRACT

40? AGAIN, STAFF, WE'RE CONFIRMING THAT TRACTS -- ESSENTIALLY 41 DOES NOT HAVE THE ABILITY TO HAVE A MIXED USE DESIGNATION.

NEITHER 40 OR 42 HAVE ANY FORM OF MIXED USE ALLOWED ON THE SITE.

Mayor Wynn: OKAY. THAT CERTAINLY PLAYS A ROLE.

McCracken: I'LL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION ON TRACT 40.

Dunkerley: SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER DUNKERLEY TO APPROVE THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION GO-NP, TRACT 40, SECOND READING. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

THE NEXT TRACT IS TRACT 43, 22052205 NORTH LAMAR, AND I MENTIONED EARLIER IN MY PRESENTATION THERE WAS A FLURRY OF E-MAILS THAT YOU WERE -- THAT WAS SENT TO YOU, BUT I THINK AS OF YESTERDAY EVENING THAT SEEMS TO HAVE COME TO RESOLUTION BETWEEN THIS PROPERTY OWNER AND THE NEIGHBORHOOD. AND I THINK THEY'RE VERY CLOSE TO AN AGREEMENT. AND STAFF RECOMMENDATION WOULD BE THE SAME AS PC APPROVAL, AND ON FIRST READING. WHEN I PREPARED THIS DOCUMENT, THEY HAD NOT REACHED RESOLUTION YET, SO THAT'S WHY THIS IS STILL IN THERE.

Dunkerley: MAYOR.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: IS THE PLANNING COMMISSION, NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION AND THE PROPERTY

OWNER ALL -- THEY'RE ALL IN AGREEMENT AND WE ON SECOND READING CAN GO WITH THIS AND THEN HOPEFULLY BEFORE THIRD READING THEY WILL GET ALL THE DOCUMENTS DONE? IS THAT THE ISSUE?

YES. AND I THINK THEY'RE VERY CLOSE TO THAT. MR. COLLINS HAS WORKED VERY CLOSELY, MR. COLLINS AND HIS ASSOCIATES WORKED VERY CLOSELY WITH THE NEIGHBORHOOD TO CRAFT AN AGREEMENT THAT MEETS EVERYBODY'S DESIRES FOR A DEVELOPMENT THAT SUITS EVERYBODY.

Dunkerley: I WOULD MOVE APPROVAL FOR THE PLANNING COMMISSION, NEIGHBORHOOD PLANNING GROUP AND STAFF RECOMMENDATION, PROPERTY OWNER RECOMMENDATION, ALL THE SAME FOR ONCE. THANK YOU.

Mayor Wynn: WHICH IS GO-MU-CO-NP...

WITH THE CONDITIONS --

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLEY TO APPROVE THE PLANNING COMMISSION RECOMMENDATION ON SECOND READING FOR TRACT 43.

SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

OKAY. THAT BRINGS US TO TRACT 44, WHERE IT'S A SIMILAR CASE AS TRACT 43. AND I THINK THE NEIGHBORHOOD AND THE PROPERTY OWNER WILL PROBABLY COME TO AN AGREEMENT, BUT UNTIL THEY HAVE SAT DOWN AND ACTUALLY HAMMERED ONE OUT -- OR I COULD BE MISTAKEN IF SOMEONE FROM THE NEIGHBORHOOD -- THEY HAVE NOT. THEN STAFF RECOMMENDS LO-MU-CO RECOMMENDED BY

THE PLANNING COMMISSION. AND WITH THE ANTICIPATION AND HOPE BY THIRD READING THEY COME TO AN AGREEMENT MUCH IN THE SAME VEIN AS THEY WERE ABLE TO COME TO ON TRACT NUMBER 43. AND THAT WOULD BE FOR ONLY LO-MU-CO-NP. AS I MENTIONED IN MY EARLIER PRESENTATION, THERE IS A VALID PETITION FROM THE NEIGHBORHOOD ON BOTH OF THESE ADDRESSES, SO I THINK THEY'RE WORKING TO SEE IF THEY CAN COME TO AN AGREEMENT.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON THE COMBINED TRACT 44.

I'LL MOVE THAT WE APPROVE THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION, WHICH IS LO-MU-CO-NP. AND ALSO FOR 2401 SHOAL CREEK.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE NEIGHBORHOOD PLAN, STAFF RECOMMENDATION AND THE TWO ADDRESSES AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ZERO ON SECOND READING WITH THE MAYOR PRO TEM AND COUNCILMEMBER SLUSHER OFF THE DAIS.

THAT BRINGS US TO TRACT 49. THE CURRENT ZONING IS MULTI-FAMILY 3 WITH THE CURRENT USE IS A DUPLEX AND THE RECOMMENDATION IS FOR SF-3-CO-NP WITH THE 30-FOOT HEIGHT LIMIT. I HAVE SPOKEN WITH THE PROPERTY OWNER AND HE WOULD LIKE TO SEE IF BY THIRD READING WE COULD POSSIBLY COME TO AN AGREEMENT FOR SOME LOW SCALE MULTI-FAMILY POSSIBLY, BUT HE HASN'T MET WITH THE NEIGHBORHOOD YET. AND THIS WEEK I'LL CONTACT HIM, EITHER TOMORROW OR MONDAY AND ENCOURAGE HIM TO TALK WITH THE NEIGHBORHOOD BEFORE THIRD READING NEXT THURSDAY.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS ON TRACT

49? I'LL ENTERTAIN A MOTION.

Dunkerley: MAYOR, I WOULD MOVE APPROVAL ON TRACT 49 OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, SF-3-CO-NP ON SECOND READING.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY TO APPROVE NEIGHBORHOOD PLAN STAFF RECOMMENDATION ON TRACT 49 ON SECOND READING. SECONDED BY COUNCILMEMBER THOMAS. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

OKAY. THAT BRINGS US TO TRACT 52, AND THAT WOULD BE 1006 WEST 22nd STREET. THE CURRENT USE IS A SINGLE-FAMILY DUPLEX. THE EXISTING ZONING IS MULTI-FAMILY 4 AND THE RECOMMENDATION IS TO GO TO SF-3-CO-NP WITH A 30-FOOT FOOT HEIGHT CAP. AND TRACT 62 IS ONLY ONE LOT -- 52 IS ONLY ONE LOT OF A -- I THINK THERE'S FIVE OR SIX IN THAT ENTIRE TRACT AND THE PREDOMINANT USE ALONG THERE IS EITHER SINGLE-FAMILY OR DUPLEX OR TWO-FAMILY USE, ALL ALLOWABLE WITHIN THE SINGLE-FAMILY-3 ZONING CATEGORY. AND SO AGAIN THIS IS TO PROVIDE A TRANSITION BETWEEN THE DENSITIES THAT THE UNIVERSITY NEIGHBORHOOD OVERLAY PROPOSES, AND THE MODEST DENSITY OF THE WEST UNIVERSITY NEIGHBORHOOD.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

Dunkerley: I MOVE APPROVAL ON ITEM 52 FOR THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, SF- 3 CO-NP.

SECOND.

Mayor Wynn: MOTION BY COUNCILMEMBER DUNKERLEY, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE NEIGHBORHOOD PLAN, STAFF RECOMMENDATION OF

TRACT 52. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SIX TO ZERO.

THAT BRINGS US TO TRACT 92, 706 WEST 24TH, OTHERWISE KNOWN AS THE DELPHI CONNED YUMDZ. STAFF HAS MET WITH THE PROPERTY OWNER HERE AND HAS RECOMMENDED A CS-MU. THE PROPERTY IS -- I THINK IT'S ACTUALLY 24 CONDOMINIUMS ON THE SITE AND ALL BUT ONE OR TWO ARE OWNED BY A SINGLE INDIVIDUAL OR BY TWO PEOPLE, AND THIS LOOKS LIKE IT WILL BE A GOOD AREA TO ALLOW FOR SOME COMMERCIAL DEVELOPMENT. EVEN THOUGH THIS IS IN THE UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT, CERTAIN USES THAT -- LIKE A GROCERY STORE MAY BE HARD TO FIT WITHIN THE CONFINES OF A STRUCTURE BUILT UNDER THE NO, AND THE THOUGHT IS THAT ALLOWING SOME STRAIGHT AHEAD COMMERCIAL OR COMMERCIAL MIXED USE MIGHT PROVIDE OPTIONS FOR RETAIL THAT MIGHT NOT FIT WITHIN THE BUILDING ENVELOPE OFFERED BY THE UNIVERSITY NEIGHBORHOOD OVERLAY BECAUSE UNDER THE PROPOSAL ONLY 20% OF A SITE CAN BE A COMMERCIAL USE. AND IF YOU HAVE A LIMITED SITE, YOU MAY NOT BE ABLE TO GET SOMETHING LIKE A ON GROCERY STORE, WHICH IS SOMETHING THAT HAS BEEN EXPRESSED THAT THE NEIGHBORHOOD WOULD LIKE TO SEE.

Mayor Wynn: QUESTIONS, COMMENTS? MR. MCHONE, WELCOME.

THANK YOU, MAYOR. MY NAME IS MIKE MCHONE. I'M HERE SPEAKING I GUESS ON THE ISSUE OF WHETHER OR NOT YOU WANT TO GIVE OUT ZONING WITHOUT THE REQUIREMENTS OF THE STREET SCAPES IMPROVEMENTS AS SET FORTH UNDER THE UNO GUIDELINE. WE WORKED VERY HARD TO CREATE AN INCENTIVE-BASED SYSTEM, AND NOW WE'RE GOING TO GET INTO A SITUATION WHERE WE'RE GOING TO HAND OUT A COMMERCIAL ZONING. DON'T OBJECT TO THAT SO LONG AS WE GET SOME OF THOSE SIDEWALK AND

PEDESTRIAN IMPROVEMENTS THAT ARE REQUIRED UNDER THE UNO PLACED ON ALL PROPERTY OWNERS ALONG 24TH STREET. AND THAT'S THE ONLY CAVEAT I'D HAVE. I DO KNOW THERE ARE NEEDS FOR ALL KINDS OF COMMERCIAL USES IN THE AREA, AND DON'T OBJECT TO THAT. JUST WANT TO MAKE SURE THAT WE GET THE SIDEWALK AND THOSE PEDESTRIAN IMPROVEMENTS INCLUDED IN ANY MOTION THAT WOULD GRANT ADDITIONAL ZONING TO THIS PARTICULAR TRACT. THANK YOU.

Mayor Wynn: THANK YOU, MR. MCHONE. ON THIS TRACT, SO THE PLANNING COMMISSION ON FIRST READING ACTUALLY APPROVED MULTI-FAMILY. CAN YOU SORT OF WALK ME THROUGH BRIEFLY SORT OF THE DYNAMIC BETWEEN FIRST AND SECOND READING AND WHAT -- BETWEEN FIRST READING AND NOW?

YES. WHEN WE FIRST -- THE PUBLIC HEARING ON FIRST READING, MR. MASEUR SPOKE SPO TO THE COUNCIL OR ADDRESSED THE COUNCIL, AND SUBSEQUENT TO THAT YOU MENTIONED -- SOMEONE FROM THE DIAS MENTIONED A VALID PETITION, SO THEY MADE -- ARRANGED A MEETING WITH MYSELF AND WE DISCUSSED THIS AND LEAVING IS STRAIGHT AHEAD CS, WHICH IS CURRENTLY THE ZONING, OR CS-MU, WOULD BE SOMETHING THAT THEY WOULD NOT OBJECT TO, BUT BECAUSE UNLIKE MOST CONDOMINIUMS IN THE AREA, THIS IS OWNED PRIMARILY JUST BY THESE TWO GENTLEMEN, I THINK WITH ONE OR TWO OTHER UNITS THAT IS OWNED BY ANOTHER PERSON OR PERSONS, SO THE POSSIBILITY FOR REDEVELOPMENT HERE, ALBEIT IT IS A CONDO, IS A LOT HIGHER THAN A LOT OF THE OTHER CONDOMINIUM COMPLEXES IN WEST CAMPUS.

Mayor Wynn: BUT THE EXISTING ZONING IS CS?

THAT IS CORRECT. IT WAS PROBABLY BUILT UNDER THE CUMULATIVE ZONING THAT EXISTED IN THE CITY WHEREAS YOU COULD BUILD -- WHATEVER YOUR ZONING WAS, YOU COULD PUT IN WHATEVER WAS UNDERNEATH IT IN THE GREAT CHAIN OF ZONING BEING, AND SO YOU -- THAT'S ONE OF THE REASONS WHY THIS IS THERE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: AS I UNDERSTAND IT, I THINK I UNDERSTAND FROM MR. MCHONE'S PRESENTATION, THAT REALLY THE ONLY WAY TO ENSURE THAT WE'LL GET UNO THEN WOULD BE TO DO MF-4 SO THAT -- OR CS? IF WE DO CS-MU, THEN WE WOULD NOT BE ABLE TO GET UNO BECAUSE THEY COULD BUILD MIXED USE AND NOT BUILD THE SIDEWALKS AND OTHERWISE LOSE UNO.

THAT'S CORRECT.

McCracken: I'LL MOVE APPROVAL OF THE -- DOES THE NEIGHBORHOOD HAVE ANY PREFERENCE ON WHAT THE ZONING WOULD BE? BETWEEN CS AND MF-4.

CS AND MF-4 IS NOT SO MUCH THE ISSUE. IF YOU GRANT THE CS-MU, ALSO ADD A CO THAT THEY HAVE TO PROVIDE THE SIDEWALKS AND STREETScape AS DESIGNATED AROUND THE UNO STANDARDS OR WHAT WE CALL THE 23rd STREET PLAN AS A CONDITIONAL OVERLAY. AND THAT WOULD MAKE SURE THAT WE HAD CONSISTENT SIDEWALKS THROUGHOUT THE AREA. AS IT IS, THEY COULD NOT BUILD THE SIDEWALKS, AND THAT IS AN EXPENSIVE PROPOSITION THAT WE'VE IMPOSED ON EVERYONE ELSE AND I THINK IT'S ONLY FAIR THAT THE PROPERTY WITH THIS PROXIMITY TO THE CENTER OF THE GROUND ZERO OF THE NEIGHBORHOOD PROVIDE THOSE SIDEWALKS SO THAT WE DON'T HAVE GAPS THAT SOMEBODY ELSE HAS TO PAY FOR.

McCracken: I GUESS I'LL FOR NOW TO PROMPT AN AGREEMENT, AND ENSURE THAT WE GET ONE, THAT -- SO THAT WE GET UNO, I'LL MOVE APPROVAL FOR THE EXISTING ZONING OF CS.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE CS.

Thomas: I'LL SECOND. >>

McCracken: I THINK THE ANTICIPATION IS --

Thomas: I THOUGHT YOU WERE TALKING THE CO ALSO,

CONDITIONAL OVERLAY?

COUNCILMEMBER, I DON'T THINK THAT THE PROVISIONS OF THE UNIVERSITY OVERLAY AS IT RELATES TO THE STREET SCAPE IMPROVEMENTS CAN REALLY BE ENFORCED THROUGH A CONDITIONAL OVERLAY. I THINK THAT'S WHY WE DID IT THROUGH THE LARGER JUST ZONING OVERLAY FOR THE AREA. IT WOULD HAVE TO BE DONE THROUGH A PRIVATE RESTRICTIVE COVENANT BETWEEN THE PARTIES.

McCracken: MAYOR, I WANT TO KIND OF REITERATE, THE PURPOSE OF MAKING THIS MOTION, TO DO IT CS, SITS VERY IMPORTANT THAT THIS PROPERTY BE PORT OF THE OVERLAY BECAUSE OF ITS NEUTRALITY AND IN DIVISION OF WHAT WE'RE TRYING TO ACHIEVE HERE.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: SO THIS IS NOT EVEN THE BOUNDARIES -- THIS IS NOT WITHIN THE BOUNDARIES OF THE UNO ORDINANCE?

YES, IT IS.

Alvarez: WHAT IS THE PROBLEM THAT THIS PARTICULAR TRACT DOESN'T HAVE TO COMPLY WITH THE UNO STANDARDS?

IT'S NOT TO SAY THAT IT WOULD OR WOULDN'T, BUT WHAT I THINK MR. MCHONE IS ALLUDING TO WITH THE MIXED USE, IT WOULD PROVIDE PROBABLY A DISINCENTIVE FOR COMPLIANCE WITH THE UNO, AND THEY COULD JUST BUILD STRAIGHT AHEAD APARTMENTS TO BASICALLY MF-4 DENSITIES IS WHAT THE CS-MU ALLOWS FOR. AND UNDER CS IF THEY WANTED TO DO RESIDENTIAL, THEY WOULD HAVE TO ADHERE TO THE PROVISIONS OF THE PROPOSED UNIVERSITY NEIGHBORHOOD OVERLAY.

Alvarez: OKAY.

Mayor Wynn: SO AGAIN, I WILL ENTERTAIN A MOTION ON TRACT 92. SO A MOTION AND A SECOND TO APPROVE CS, JUST STRAIGHT CS.

McCracken: MAYOR, WE'RE FLIP-FLOPPING BECAUSE WE DID IT WITH CS-MU, THIS ALLOWS THE GOOD STUFF WITH UNO WITHOUT CONTRIBUTING THE SIDEWALKS AND THE STUFF THAT WOULD REALLY MAKE IT COMPLETE. THEY'RE GOING TO PRESUMABLY GET AN AGREEMENT AND DO THAT.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE CS FOR TRACT 92 ON SECOND READING ONLY. FURTHER COMMENTS?

IF I COULD CLARIFY, MARK ARE WE TALKING CS-NP OR JUST STRAIGHT CS?

MY MISTAKE. IT WOULD BE CS-NP.

McCracken: CS-NP.

Mayor Wynn: THANK YOU. THANK YOU FOR THE CLARIFICATION. CS-NP. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO ONE, COUNCILMEMBER SLUSHER VOTING NO, MAYOR PRO TEM REMAINS OFF THE DIAS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

THIS AGAIN IS A TRANSITION AS THE MORE DENSE CENTERED AROUND RIO GRANDE AND 24th STREET, TRANSITIONING WEST TOWARDS PEASE PARK AS THE WHOLE SCALE OF THE NEIGHBORHOOD BECOMES LESS. LESS INTENSE AS YOU APPROACH LAMAR.

Mayor Wynn: REMIND ME, IF WE WERE TO ZONE SOMETHING UP TO OTHERWISE WHAT UNO WOULD ALLOW, I GUESS THE QUESTION IS WHY WOULD A PROPERTY OWNER OPT INTO SOME OF THE UNO STANDARDS THAT APPARENTLY ARE DESIRABLE BUT PROBABLY COST NO MONEY IF THE ZONING ALREADY MAXS OUT WHAT THEY WOULD GET --

MY UNDERSTANDING AFTER TALKING WITH PEOPLE IN THE

DEVELOPMENT COMMUNITY, EVEN THOUGH YOU HAVE YOUR M.F. DEVELOPMENT STANDARDS, ALL THAT OTHER -- ALL OF THE OTHER THINGS THAT YOU CAN CONTROL WHAT YOU COULD DO IN YOUR M.F. ZONING, EVEN IF YOU ALLOWED UP TO 60 FEET WOULD NOT BE EQUIVALENT TO 40 FEET OF UNO. EVEN THOUGH YOU CAN'T GO AS HIGH, YOU DON'T GET AS MUCH DEVELOPMENT OPPORTUNITY UNDER THE EXISTING M.F. 4.

MY ESTIMATION AS TO HOW TALL THE EXISTING STRUCTURES ARE NOW? IS IT --

30 OR 40 FEET. IT'S --

AND THAT AREA IS A LITTLE -- A LITTLE -- KIND OF AN OPTICAL ILLUSION SOLUTION BECAUSE NORTH OF 24th STREET YOU START GOING UPHILL, THE TOPOGRAPHY STARTS GETTING A LITTLE TALLER. SO THE BUILDINGS SEEM TO LOOM A LITTLE HIGHER AND LARGER THAN THEY MIGHT OTHERWISE IN OTHER AREAS OF WEST CAMPUS.

Mayor Wynn: OKAY. FURTHER QUESTIONS, COMMENTS ON TRACK 99 A? COUNCILMEMBER ALVAREZ?

Alvarez: SO THEN ALL OF THE OTHER TRACTS AROUND THAT, IN THE PROPOSAL, IS TO LIMIT ALL OF THOSE TO 40 --

THAT IS CORRECT. ALL THE WAY TO -- RIGHT BEFORE LAMAR, WHICH WOULD BE TRACT 102 ON THE MAP IN FRONT OF YOU.

THOSE TRACTS APPARENTLY HAVE NO --

NO CONTENTION.

NO CONTENTION.

I WILL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN, STAFF RECOMMENDATION.

MOTION ON TRACT 99 A BY COUNCILMEMBER ALVAREZ ON SECOND READING, TO APPROVE THE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION OF M.F. 4, C.O., N.P.,

WITH A HEIGHT LIMITATION OF 40 FEET. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

THAT ALSO BRINGS US TO TRACT 133, 2710 THROUGH 2700 SAN PEDRO STREET, THE CURRENT RECOMMENDATION, WELL, COUNCIL, NPC, APPROVED S.F. 4 A N.P. AND THE STAFF RECOMMENDATION IS TO -- TO ALLOW M.F. 3 N.P. TO MISS -- THE ERROR ON YOUR MOTION SHEETS. I MET WITH MR. NASSOUR, MR. EAAS, OWNERS -- ASSUMED BOTH OF THEM WERE THE OWNERS OF THE [INDISCERNIBLE] SAN PEDRO. THIS ACTUALLY REFLECTS THE PROPOSAL THAT STAFF AND THE NEIGHBORHOOD BROUGHT FORWARD PRIOR TO THE PLANNING COMMISSION. THIS RECOMMENDATION IS IN LINE WITH THAT. THIS IS M.F. 3 N.P.

IS THAT WITH THE C.O.

NO, THERE WOULD BE NO C.O.

NO C.O.

THE PROXIMITY TO THE SINGLE FAMILY TO THE NORTH WOULD CONTROL A LOT OF THE HEIGHT. IN ADDITION THERE ARE TWO NEW DUPLEXES THAT WERE BUILT, IN THE PAST COUPLE OF YEARS THERE AND -- AND -- AND NOT LIKELIHOOD THAT THEY WOULD BE REDEVELOPED ANY TIME IN THE NEAR FUTURE.

THE AGREEMENT IS M.F. 3 N.P. THAT IS CORRECT, COUNCILMEMBER.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Slusher: I'VE GOT A QUESTION.

Mayor Wynn: COUNCILMEMBER SLUSHER. WHAT'S THE DIFFERENCE BETWEEN -- WHY IS -- THIS IS 2710, 2710, 12, 2800 SAN PEDRO. AND -- AND THE -- IN THE 27 BLOCK STAFF

IS RECOMMENDING, LET ME MAKE SURE THAT I'M READING THIS RIGHT, STAFF IS RECOMMENDING M.F. 3, THEN S.F. 3 IN THE 2800 BLOCK, IS THAT CORRECT? WHAT'S THE STINGS THAT YOU AND YOU WILL SEE THERE?

JUST A STEP DOWN. THE RECOMMENDATION COULD VERY WELL BE M.F. 2, BUT M.F. 3 IS WHAT WOULD FIT MORE OR LESS THE EXISTING USE --

M.F. ON ONE BLOCK,

M.F. on one block, S.F. --

JUST TRANSITIONING FROM -- FROM MORE TO LESS INTENSE.

ACKNOWLEDGING THAT THIS AREA IS UNIQUE IN THE WAY THAT IT WAS BUILT OUT OVER TIME AND THAT -- THAT YOU DO HAVE THESE -- THESE FAIRLY DRAMATIC CHANGES IN INTENSITY FROM ONE BLOCK TO ANOTHER AS YOU -- PARTICULARLY IN THIS AREA RIGHT HERE.

BUT THEN ON 2800, YOU'VE GOT THAT -- THAT APARTMENT ON ONE SIDE THAT REALLY STRECHES THE WHOLE BLOCK.

WELL, FOR 2800 --

Slusher: I KNOW THAT I'M GETTING READY TO THE NEXT -- GETTING AHEAD TO THE NEXT ONE, BUT SEEMS TO MAKE SENSE TO DISCUSS THIS TOGETHER.

ALSO, 2800 IS A GROUP RESIDENTIAL USE FRATERNITY HOUSE, I THINK IT HAD BEEN APPROPRIATING WITH INAPPROPRIATE ZONING FOR SOME TIME. THIS IS JUST TO MAKE IT A CONFORMING USE. BUT I UNDERSTAND WHAT YOU ARE TALKING ABOUT, 14143 A, IT WAS JUST A TRANSITION. WHAT ABOUT THE FACT -- WHAT ABOUT THE -- FROM 133 A, THE APARTMENT COMPLEX IS ONE SOLID WHITE WALL ALONG THERE. DID THAT FACTOR INTO YOU ALL'S THINKING AT ALL?

FOR 133, NOT --

Slusher: A, A.

IN A? I THINK IT WAS MORE AGAIN NOT -- NOT A MAJOR FACTOR, BUT MORE AS A -- AS A TRANSITION AS YOU REACH THE NEIGHBORHOOD. THAT WAS THE REASON FOR THE RECOMMENDATIONS.

Slusher: OKAY, THANK YOU.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? TRACT 133. I'LL ENTERTAIN A MOTION.

Dunkerly: ON THAT ONE -- I'LL MOVE APPROVAL OF THE -- OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION AND M.F. 3 MP.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, TRACT 133 ON SECOND READING TO APPROVE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION OF M.F. 3 N.P., THE HEIGHT LIMIT OF 30 FEET. I'LL SECOND THAT. FURTHER COMMENTS?

THIS IS FOR THE THREE PROPERTIES? THEY ALL GET THE M.F. 3 N.P.

THAT IS THE RECOMMENDATION. THE 2800 IS THE -- THE ONE FURTHEREST NORTH ON THAT, THAT'S JUST THE GROUP RESIDENTIAL, THAT'S BEING RECOMMENDED TO GO FROM S.F. TO M.F. 3.

MARK, I NEED TO CLARIFY SOMETHING. YOU SAID THAT THIS IS M.F. 3 N.P. WITH NO C.O., SO THERE WOULD NOT BE A HEIGHT LIMIT OR IS IT WITH THE C.O. AND A HEIGHT LIMIT.

THE HEIGHT LIMIT CURRENTLY IS 40 FEET OR THREE STORIES. THAT'S WHAT THE BASE ZONING DISTRICT WOULD ALLOW.

SO IT DOES NOT THEN HAVE A HEIGHT LIMIT OF 30 FEET. IT IS JUST STRAIGHT UP M.F. 3 N.P.

THAT WAS A CUTTING AND PASTING ERROR.

OKAY. THANK YOU.

SO THE MOTION I READ INTO THE RECORD INCLUDING THE HEIGHT LIMITATION OF 30 FEET IS INCORRECT.

THAT'S CORRECT.

Mayor Wynn: SO COUNCILMEMBER DUNKERLY, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT TO -- TO ADD TO -- TO ELIMINATE THE HEIGHT LIMITATION ON THIS TRACT?

Dunkerly: MY ORIGINAL MOTION WAS M.F. 3-N.P., NO HEIGHT LIMIT.

Mayor Wynn: MY MISTAKE THEN READING IT INTO THE RECORD. MOTION AND SECOND ON THE TABLE.

Slusher: DOES IT HAVE A HEIGHT LIMIT OR NOT? NO HEIGHT LIMIT.

Mayor Wynn: NOTHING OTHER THAN THE --

Slusher: THAT WOULD BE WHAT?

IT WOULD BE 40 FEET, COUNCILMEMBER SLUSHER.

Slusher: 40. OKAY.

Mayor Wynn: AGAIN A MOTION AND A SECOND ON THE TABLE. TRACT 133, SECOND READING ONLY, M.F. 3 N.P., NEIGHBORHOOD STAFF RECOMMENDATION. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0.

THAT BRINGS US TO TRACT 133 A, THAT INCLUDES 2802, 2804, 2806 AND 2808 SAN PEDRO WITH THE FIRST TWO ADDRESSES 02 AND 04 OWNED BY THE SAME FAMILY AND 2806 AND 2808 OWNED BY OTHER PROPERTY OWNERS. THE STAFF RECOMMENDATION IS FOR SINGLE FAMILY 3 C.O.

WITH A HEIGHT LIMIT OF 30 FEET. THE CURRENT ZONING IS S.F. 3, AND P.C. AND COUNCIL APPROVED ON FIRST READING WAS S.F. 4 A N.P. STAFF RECOMMENDS AGAIN THE S.F. 3. THE PROPERTY OWNER RECOMMEND -- WOULD REQUEST THAT M.F. 2 N.P. BE ON THAT PROPERTY. I HAVE INDICATIONS THAT THEY MAY FILE A VALID PETITION AGAINST THE HEIGHT LIMIT IN THE S.F. 3. WHEN ASKED TO ITERATE THE NEIGHBORHOOD STRESSED TO ME A STRONG DESIRE FOR THESE PROPERTIES TO STAY SINGLE FAMILY.

Mayor Wynn: QUESTIONS, CLEMENTS, TRACT 133 A.

Thomas: MAYOR, I'LL RECOMMEND ON TRACT 133 A THAT IT BE -- THAT IT BE M.F. 2 N.P.

McCracken: SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE ON SECOND READING ONLY TRACT 133 A, M.F. 2 NP.

Slusher: I'VE GOT A QUESTION, MAYOR.

Mayor Wynn: COUNCILMEMBER SLUSHER. WHEN YOU SAID STRONG --

Slusher: WHEN YOU SAID STRONG, THE NEIGHBORHOOD VERY STRONGLY OPPOSED MULTI-FAMILY, IS THIS PEOPLE ON THE STREET OR SAME STREET OR IS IT THE -- DO WE KNOW THAT?

THE PRESIDENT OF THE NEIGHBORHOOD ASSOCIATION, JOHN FOXWORTH IS HERE, HE CAN SPEAK TO THAT.

I'M JOHN FOXWORTH PRESIDENT OF THE SHOAL CREST NEIGHBORHOOD ASSOCIATION. THE NAME -- ONE OF THE MAIN REASONS IS THAT WE DON'T WANT THE DOMINO EFFECT AND COMING IN, ALSO, THE PROPERTY OWNERS AT - - AT 2806 AND 2808, WE HAVE MET WITH A REPRESENTATIVE OF -- THE HUSBAND OF THE WIFE OF THE DOCTOR OF THE PEOPLE THAT OWN THE HOUSE NEXT, THEY LIVE IN THE HOUSE AT 2808. THEY WERE VERY NEUTRAL AND -- AND NOT REALLY SURE -- THEY WERE -- WE MET WITH WAYNE CUE,

THE HUSBAND, HE SAID HE DIDN'T KNOW IF IT WOULD BE BENEFICIAL TO GO EITHER WAY AND HAS NOT WEIGHED IN SINCE. I HAVE TRIED TO CONTACT HIM WITH NO AVAIL. I -- WE WANT TO PRESERVE THE HISTORIC CHARACTERS, THESE HOUSES WERE BUILT I BELIEVE IN THE 20'S. WE HAVE A LOT OF HOUSES, MINE IN PARTICULAR ALSO IN THE NEIGHBORHOOD. AND WE FEEL THERE IS A WAY TO, CREATE A WAYS TO MAKE THESE LIVABLE, I KNOW THEY ARE SURROUNDED BY BIG BLOCK APARTMENTS. IT'S NOT PRETTY. BUT WE FEEL THERE'S WAYS THAT THEY COULD BE ORIENTED, WE COULD HAVE SECOND STRUCTURES OARNLTSED WITH THE S.F. -- ORIENTED WITH THE S.F. 3 FACING THE GREENBELT AND BE VERY DESIRABLE TO ATTRACT PROFESSIONALS, PERHAPS, PROFESSOR TYPES FROM THE UNIVERSITY TO LIVE THERE. WE THINK THAT WOULD MAKE A MORE ECONOMICALLY -- MAKE THEM MORE ECONOMICALLY VALUABLE AS WELL. WE DO FEEL THAT THE DOM IN A EFFECT OF IT GOING DOWN THE LINE INTO THE NEIGHBORHOOD. I WOULD ALSO LIKE TO POINT OUT THAT TWO OUT OF THE THREE FRATERNITY HOUSES MENTIONED ON SAN PEDRO ARE NOT ZONED TO BE THERE. ENFORCEMENT IS NOT BEING DONE RIGHT NOW. I -- ANY OTHER QUESTIONS?

Slusher: I HAVE GOT A FOLLOW-UP. THANK YOU FOR BEING SO FRANK. DO YOU KNOW IF -- DO YOU KNOW IF THERE ARE ANY SINGLE FAMILY OWNER OCCUPIED --

I KNOW OF -- I KNOW OF TWO RIGHT NOW. AND THE OWNER OF 2808 WHO LIVES THERE, THEY ALSO RENT OUT THE HOUSE AT 2806, THEY HAVE NO PROBLEM GETTING TENANTS, THEY SAID. ALSO, JUST -- THE ONLY THING THAT I FORGOT TO MENTION WAS WE WANT TO KEEP TRAFFIC VOLUME TO A MINIMUM BECAUSE IT DOES DEAD END INTO AN ALLEY IN THE MIDDLE OF THE NEIGHBORHOOD AND IT'S A ONE-WAY STREET.

Slusher: THANK YOU.

Alvarez: FOLLOW-UP?

Mayor Wynn: SO THEN THIS TRACT FRONTS ON -- ON OLD

HAM, ALSO --

ODHAM IS ACTUALLY NOT THERE ANYMORE. IT'S NOT THERE.

Alvarez: IT'S NOT THERE?

WHERE ODHAM IS, I BELIEVE THAT'S 2812 IS THE FRONT HOUSE, THERE'S ACTUALLY TWO OTHER HOUSES BEHIND THAT. THEY ARE CONNECTED BY A LONG COMMUNAL DRIVE. I BELIEVE THEY ARE ALL OWNED BY THE SAME PROPERTY OWNER WHO WE HAVE NOT HEARD FROM, EITHER. THOSE WERE RENTED OUT, TOO, VERY POPULAR WITH STUDENTS.

Alvarez: BUT THAT AREA IS SINGLE FAMILY.

YEAH.

RIGHT.

Alvarez: AND -- AND ON 133 A THOSE ARE EXISTING SINGLE FAMILY --

THOSE ARE EXISTING.

Alvarez: -- UNITS. OKAY, WELL, I'M GOING TO SUPPORT THE PLAN RECOMMENDATION ON THAT. I CAN'T SUPPORT THE MULTI-FAMILY. SO ...

Slusher: MAYOR, THIS IS A TOUGH ONE. I TALKED TO THE OWNERS AND I WANT TO TAKE AN EVEN CLOSER LOOK AT IT BETWEEN NOW AND FINAL READING. BUT I'M HAVING -- STILL SINGLE FAMILY OWNERS LIVING THERE, THEN THIS WOULD GO M.F. RIGHT BY THEM. I'LL GOING TO THINK THIS OVER MORE, BECAUSE I'M ALSO WORRIED ABOUT THE APARTMENT COMPLEX RIGHT ACROSS THE STREET THERE. I WOULD THINK IF WE ARE GOING TO DO IT, WE SHOULD DO THE WHOLE BLOCK NOT JUST THE TWO ADDRESSES.

Thomas: IF WE ARE GOING TO BE CONSISTENT, TRACT 133, YOU SAID -- THE PRESIDENT, YOU SAID THESE ARE OWNERS AT 2806, 2808? ARE THE OWNER --

OWNER OCCUPIED IS 2808 AND I BELIEVE IT'S 2814.

Thomas: OKAY, ARE THEY OWNERS OR RENTING?

OWNER OCCUPIED.

Thomas: OKAY. WHAT I'M SAYING IS WE ALREADY JUST DID ONE -- ONE -- TRACT 133, THAT'S RIGHT ADJACENT TO THIS ONE. SO --

Slusher: WHY WOULD WE DO -- 2800 WAS ON THERE, TOO. THAT'S WHAT I WAS ASKING, WE HAD THE 2700 BLOCK, WE DID -- LET'S SEE, 10 AND 12 THERE. I'M ASSUMING THAT GOES UP, THAT'S THE END OF THE STREET, 12, 2800 IS ACROSS THE SIDE STREET. MAYBE THERE'S NOT A SIDE STREET THERE.

WELL, IT LOOKS ON THE MAP THAT -- THAT 28th STREET BASICALLY TEES INTO THE FRONT YARD OF --

2800.

OF 2800.

YEAH. I RECALL THAT NOW FROM GOING BY THERE. WELL, THAT DOES SEEM A LITTLE -- THAT'S WHAT I WAS DRIVING AT, IT DOES SEEM ODD THAT THAT GOES -- WE DIDN'T DO 2800, THOUGH, WE DID S.F. 3. I THINK THE MOTION ON -- WE DID M.F. 3 ON 2800.

I'M SORRY, OKAY. YEAH, WE DID ALL OF THAT, M.F. 3.

Slusher: SO THEN THESE ARE RIGHT NEXT TO THAT.

RIGHT.

THEN YOU'VE GOT I GUESS 2806, I'M ASSUMING THAT'S A RENTAL.

YES, SIR. >>SLUSHER: AND THEN 8 IS THE -- ONE OF THE OWNER OCCUPIEDS. OH, MAN.

I HAVE A QUESTION, COUNCILMEMBER.

McCracken: FROM A TECHNICAL STANDPOINT I NOTICE THAT WE HAVE TWO SEPARATE PROPERTY OWNERS, FOUR SEPARATE PROPERTIES, INCLUDED WITHIN TRACT 133 A. SINCE ONE OF THE PROPERTY OWNERS WHO IS LOCATED NEXT DOOR TO THE M.F. PROPERTIES CARES AND THEN THE OTHER PROPERTY OWNER DOESN'T CARE, IS IT POSSIBLE TO SPLIT IT UP SO THAT 26 -- SO THAT 2806, 2808 REMAIN S.F. FOR -- WHEREAS '02 AND '04 BECOME M.F. 2.

THAT IS POSSIBLE, COUNCILMEMBER. BUT -- BUT WITH THE S.F. 4 A IT WOULD PRECLUDE THEM FROM ADDING A SECONDARY UNIT IN THE FUTURE, WHICH WOULD BE INAPPROPRIATE DENSITY, PARTICULARLY TRANSITIONING, STEPPING DOWN FROM THESE VARIETY OF MULTI-FAMILIES, SO so.F. 3 WOULD BE AN APPROPRIATE TRANSITION. AT THE SAME TIME FOR PROVIDING THE POSSIBILITY FOR -- FOR ADDITIONAL HOUSING AND A DENSITY MORE AKIN TO SINGLE FAMILY NEIGHBORHOODS.

Slusher: LET ME ASK --

Mayor Wynn: COUNCILMEMBER SLUSHER?

Slusher: IF YOU DID THE M.F. 3, THAT'S WHAT YOU ARE RECOMMENDING, RIGHT, COUNCILMEMBER THOMAS?

Thomas: M.F. 2 N.P.

Slusher: IF YOU DID THAT, HOW MANY UNITS COULD YOU GET ON I GUESS THOSE TWO PROPERTIES COMBINED?

17 NET UNITS. THERE'S APPROXIMATELY 20,000 SQUARE FEET ON THE FISH AND POWELL'S PROPERTY, ALTHOUGH I DO BELIEVE THE BACK THIRD OF IT IS -- YOU MIGHT HAVE SOME TOPOGRAPHICCAL CHALLENGES AS IT SLOPES DOWN ALONG LAMAR, TOWARDS LAMAR INTO PEASE PARK, SHOAL CREEK, SO THE PROPERTY KIND OF -- THE BACK END OF THE PROPERTY DOES HAVE SOMEWHAT OF A SLOPE. SO -- SO MAYBE 15,000 SQUARE FEET OF -- ABOUT FIVE UNITS, MORE OR LESS, BUT AGAIN WITHOUT DOING THE HARD MATH, IT

WOULD BE ABOUT 5, MAYBE FIVE MINUTES.

Slusher: WAIT A MINUTE, I'M CONFUSED. 17 FOR --

17 PER ACRE.

OKAY. I DON'T KNOW HOW MANY ACRES -- I KNOW THAT IT'S TWO CITY LOTS.

APPROXIMATELY 20,000 SQUARE FEET.

LETS THAN HALF AN ACRE.

LESS THAN HALF AN ACRE, EVEN FURTHER REDUCED BY PROBABLY THE BACK END MIGHT BE A LITTLE TOUGH TO DEVELOP.

SO YOU WOULD ONLY GET FIVE ON BOTH OF THESE LOTS.

THAT SOUNDS ABOUT RIGHT.

REFRESH MY MEMORY, THEY HAVE GOT -- THEY HAVE A BACK -- A GARAGE APARTMENT OR SOMETHING IN THE BACK ON EITHER ONE OF THESE?

I DON'T RECALL. THE PROPERTY OWNER'S AGENT, THE DOCTOR CAN SPEAK TO THAT.

Slusher: YES, SHE'S HERE.

THAT HOUSE HAS TWO SEPARATE UNITS AND TWO SEPARATE SETS OF PEOPLE LIVING IN THE HOUSE. THERE'S A COTTAGE OUT BACK. SO WHAT WHEN IT WAS BROUGHT 30 YEARS AGO, THE ZONING WAS INAPPROPRIATE EVEN THEN. THE NEW ZONING IS INAPPROPRIATE.

Slusher: FOUR UNITS, TWO ON EACH LOT; IS THAT RIGHT?

THREE ON ONE AND THEN A HOUSE THAT HAS A BUNCH OF KIDS IN IT. AND THAT 2800 THAT WAS -- IT'S AN M.F. 3 RIGHT NEXT DOOR IS A FRATERNITY HOUSE. SO THAT'S RIGHT NEXT DOOR.

Slusher: HERE YOU'VE GOT -- WHEN YOU SAY THREE UNITS, ARE THESE TWO -- ARE THERE TWO SEPARATE STRUCTURES, THREE SEPARATE --

THREE SEPARATE STRUCTURES BUT THE FRONT HOUSE HAS A DOWNSTAIRS AND UPSTAIRS SEPARATE UNITS, THEN THERE'S A COTTAGE OUT BACK.

Slusher: OKAY. JUST A HOUSE ON THE OTHER ONE AND YOU ARE RENTING OUT SOME ROOMS IN THERE.

YEAH, JUST -- BUNCH OF KIDS.

Slusher: THEY HAVE FOUR NOW, IF WE GIVE THEM THE M.F. 2, THEY WILL -- THEY WOULD HAVE FIVE UNITS.

OR SIX.

Slusher: THAT'S NOT -- THAT'S NOT A HUGE INCREASE IN TRAFFIC THERE. MORE PEOPLE LIVING NEXT DOOR. IF THEY GET JUST THE S.F. 3, WHAT CAN THEY DO WITH THAT?

THEY COULD DO FOUR UNITS TOTALLY TWO ON BOTH LOTS.

Slusher: AND -- BUT THAT WOULD MEAN LIKE TEARING DOWN WHAT THEY HAVE? OR JUST KEEPING WHAT THEY HAVE.

PROBABLY KEEPING WHAT THEY HAVE. I DON'T KNOW WHEN EXACTLY THE HOUSES ARE CONSTRUCTED, BUT I DO KNOW THAT ONE TIME THE AMOUNT OF SINGLE FAMILY THAT COULD BE DEVELOPED ON A -- ON A SINGLE FAMILY AREA HAD TO DO MORE WITH THE -- WITH THE SQUARE FOOTAGE OF THE -- OF THE LOT AND HOW MUCH SQUARE FOOTAGE YOU WERE BUILDING. SO IT'S QUITE FORESEEABLE TO GET TWO OR THREE COTTAGES ON A SINGLE FAMILY LOT.

Slusher: WHAT DID YOU SAY, MR. HIRSCH?

I BELIEVE THESE LOTS WERE IN THE CITY LIMITS UNDER THE 1931 ZONING ORDINANCE. UNDER THAT ORDINANCE IN SINGLE FAMILY YOU WERE ONLY ALLOWED TO HAVE A TOTAL OF TWO UNITS, EITHER TWO UNITS IN ONE BUILDING OR A SINGLE FAMILY HOME AND A GARAGE APARTMENT OR

GRANNY FLAT IN THE BACK. SO WHAT THE OWNER SAID IS ABSOLUTELY CORRECT. IF THIS IS ZONED SINGLE FAMILY AND HAS BEEN SINGLE FAMILY SINCE THE 31 ORDINANCE, THEN ONE OF THOSE UNITS WOULD HAVE TO BE DEMOLISHED IF THE ZONING CHANGE WEREN'T APPROVED.

Slusher: IF IT WEREN'T APPROVED.

IF THE ZONING DIDN'T MOVE FROM SINGLE FAMILY TO A MULTI-FAMILY CATEGORY THAT WOULD ALLOW THREE UNIT, THEN THE NET RESULT WOULD BE THAT ONE OF THOSE UNITS WOULD HAVE TO GO AWAY.

IF THEY DECIDE TO DO SOMETHING ELSE?

NO, NO. IF IT'S -- IF IT'S UNLAWFUL NOW, WHAT I UNDERSTOOD THE OWNER SAYING IN THE HEARING, IT'S HER UNDERSTANDING IS THAT WHAT THEY HAVE OUT THERE IS NOT LEGAL CURRENTLY.

RIGHT.

BUT THEY WOULDN'T HAVE TO TEAR IT DOWN. THAT'S JUST NON-CONFORMING.

IT'S NOT NON-CONFORMING, IT'S UNLAWFUL.

YOU ARE GOING TO MAKE HER TEAR DOWN HER HOUSE.

I'M NOT GOING TO DO ANYTHING, COUNCILMEMBER. I'M JUST ANSWERING THE QUESTION ABOUT IF YOU DIDN'T APPROVE THE ZONING, THE STATUS SHE HAS IS SHE HAS ONE MORE UNIT ON THAT SITE THAN SHE EVER -- THAN THE OWNER WAS EVER ALLOWED TO LAWFULLY HAVE IN AUSTIN SINCE 1931. SO UNLESS THOSE STRUCTURES WERE BUILT BEFORE '31, ONE OF THEM WOULD HAVE TO GO AWAY.

Slusher: I WONDER IF THEY HAD ZONING HEARINGS LIKE THIS IN 1931 [LAUGHTER]

Slusher: I'M GOING TO CIRCLE BACK AROUND AND SUPPORT IT NOW. THAT'S ALL THAT I HAVE.

Alvarez: MAYOR?

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Mayor Wynn: ONE OTHER QUESTION, LOOKING AT THE TRACTS ACROSS THE STREET THAT HAVE THE -- I THINK IT'S M.F. ZONING.

I DO BELIEVE.

WE ARE RECOMMENDING A HEIGHT CAP ON THAT M.F. 4 TO 40 FEET. THOUGH IF THAT SITE WERE TO BE REDEVELOPED, IT WOULD BE TRACT 135. THE PROXIMITY TO SINGLE FAMILY WOULD -- AND COMPATIBILITY STANDARDS WOULD LIMIT ITS BULK AND MASS COMPARED TO WHAT IS CURRENTLY ON THE GROUND THERE NOW. BUT THE ONES -- THESE 133 AND 133 A ARE ACTUALLY SINGLE FAMILY OR DUPLEX STRUCTURES.

133, THERE IS A ONE MULTI-FAMILY USE, THAT'S 2800, TWO DUPLEX USES THOUGH, THOSE DUPLEXES DO APPEAR TO BE BUILT VERY CLOSE TO -- MULTI-FAMILY STANDARDS. TO -- PRIOR TO THE CHANGING OF THE DUPLEX AMENDMENT THAT WAS POSSIBLE. AND -- AND --

I THINK, YOU KNOW, I'M STILL GOING TO SUPPORT TRYING TO MAINTAIN AS MUCH OF SINGLE FAMILY PROPERTIES AS -- AS POSSIBLE. THAT MIGHT MEAN I MIGHT RECONSIDER MY VOTE ON 133, BUT I AM STILL GOING TO SUPPORT THE S.F. -- ON THIS.

A MOTION AND A SECOND ON THE TABLE TO APPROVE TRACT 133 A, SECOND READING ONLY, M.F. 2 N.P. FURTHER COMMENTS? SORRY MAYOR PRO TEM, I PROMISED YOU BY 8:30 THAT WE WOULD BE THROUGH, DIDN'T I? FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-1 WITH COUNCILMEMBER ALVAREZ VOTING NO.

OKAY. THAT BRINGS US TO TRACT 148, 2829 SALADO, OTHERWISE KNOWN AS JUNIOR'S ICE HOUSE AND THE RECOMMENDATION IS TO -- TO ALLOW -- TO CONTINUE WHAT P.C. AND COUNCIL APPROVED ON FIRST READING, THE -- THERE IS VALID PETITION CONVENIENCE THIS. THIS IS SIMPLY THE ZONING BEING RECOMMENDED FOR THIS PROPERTY WOULD JUST REMOVE SOME OF THE MORE -- MORE INTENSE USES FROM THE C.S., BUT STILL PROVIDE THE GENEROUS DEVELOPMENT STANDARDS, THE F.A.R., THE SETBACKS.

Mayor Wynn: THE QUESTION IS JUST LOOKING AT IT, IT LOOKS LIKE 25 OR 30 C.S. USES ARE -- ARE PROHIBITED, ANOTHER HANDFUL ARE CONDITIONAL. I MEAN -- I MEAN MORE USES ARE LEFT IN -- C.S.?

A BUNCH. THERE'S STILL A LOT OF USES. I THINK THE GOAL HERE WAS AGAIN TO ALLOW THE DEVELOPMENT STANDARDS BUT LIMIT THE USES TO MORE NEIGHBORHOOD APPROPRIATE USES. EVEN THOUGH THIS IS, I DON'T KNOW HOW IT'S ACCURATE CATEGORIZED, BUT IT IS SOMEWHAT OF AN ARTERIAL. STILL HAVE THE NEIGHBORHOOD FEEL TO IT, PARTICULARLY AND TO HAVE IT MORE -- MORE OF A LOCAL SERVING COMMERCIAL, MUCH LIKE IT IS CURRENTLY. REMIND ME HOW LARGE IS THIS TRACT, APPROXIMATELY? IS IT -- IS IT A LOT?

PROBABLY RIGHT AT 6 OR 7,000 SQUARE FEET. IT'S NOT A LARGE SITE.

IT DOES TAKE -- IT DOES TAKE -- EVEN THOUGH IT IS -- IT IS ON SALADO, IT DOES FRONT ON TO 29th STREET. THAT'S WHERE MOST OF THE -- MOST OF THE COMMERCIAL TRAFFIC ENTERS AND LEAVES THE SITE.

SO ARE THEY OFFERING TO TOSS IN A KEG OR TWO?

NO.

Mayor Wynn: QUESTIONS, COMMENTS. COMMERCIAL?

THIS TRACT HAS -- HAS ONE THAT WE GET A LOT OF -- OF COMPLAINTS ABOUT. FROM THE NEIGHBORS BECAUSE OF --

BECAUSE OF THE NOISE FROM THE TRACT AND I'M ASSUMING THAT'S WHAT'S BEHIND, PARTLY IN PLAY HERE, ELIMINATING SOME OF THESE USES. WELL, WE DID THE SAME TO BOTH SIDES OF 29th STREET. NO PROPERTY WAS TREATED ANY DIFFERENT --

Slusher: BAD QUESTION THEN. I WOULD POINT THAT OUT, THOUGH. I MEAN THIS IS EVEN THE SUBJECT OF A SUIT WHERE ONE OF THE NEIGHBORS WON AND WE STILL HAVE, THE GENTLEMAN WAS DOWN HERE A FEW WEEKS AGO. SO -- SO ANYWAY I -- WHAT WE ARE LOOKING AT HERE, WHAT YOU WOULD LOOK AT IS JUST THE OVERALL LAND USE, BUT IT'S A NEIGHBORHOOD PLAN, WE ARE SUPPOSED TO CONSIDER THE NEIGHBORS IN THAT. ANYWAY, THAT PROBABLY WAS VERY PERSUASIVE, BUT I WILL LEAVE IT AT THAT.

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: A QUESTION ABOUT THE OVERLAY. SO ARE YOU SAYING THAT THAT OVERLAY APPLIES TO EVERYTHING ALONG 29th OR ALSO ALONG GUADALUPE, ALSO?

THERE IS ONE ALONG GUADALUPE, BUT IT ISN'T AS RESTRICTIVE. 29th STREET IS MORE RESTRICTIVE, BUT THAT PROPERTY, THE C.S. ZONED PROPERTY EXTENDS APPROXIMATELY FROM SALADO WEST TO -- TO THE ALLEY BEHIND GUADALUPE STREET. IT'S -- IT'S WHERE THE OVERLAY WOULD BE IN EFFECT.

BUT ALONG 29th, ALL OF THOSE OTHER TRACTS WOULD HAVE THE SAME --

THEY WERE TREATING THEM IN THE SAME IDENTICAL MANNER.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? IF NOT I'LL ENTERTAIN A MOTION ON TRACT 148. SECOND READING ONLY.

McCracken: MOVE APPROVAL OF THE NEIGHBORHOOD PLAN, STAFF RECOMMENDATION.

Mayor Wynn: MOTION BY COUNCILMEMBER MCCRACKEN,

SECONDED BY COUNCILMEMBER SLUSHER TO APPROVE ON SECOND READING THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, WHICH IS C.S.-C.O.-N.P. WITH THE -- WITH THE LIST OF -- OF PROHIBITED AND CONDITIONAL USES SHOWN. SECOND READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER DUNKERLY OFF THE DAIS.

THE NEXT TRACT, TRACT 180 IS THAT AREA AGAIN THAT I MENTIONED WHERE RUTH CHRIS STEAK HOUSE USED TO BE. THIS CHANGED ACTUALLY AS A RESULT OF AN AGREEMENT REACHED SUBSEQUENT TO -- AFTER FIRST READING BY THE NEIGHBORHOOD, THE PROPERTY OWNER, EVERYBODY IS IN AGREEMENT ON THIS. BASICALLY IT WILL BE THE SAME THING AS APPROVED ON FIRST READING WITH THE ADDITION OF A PROHIBITION OF RESIDENTIAL USES ON THE GROUND FLOOR.

I WILL ENTERTAIN A MOTION.

I WILL MOVE APPROVAL OF THE AGREEMENT. SO -- THE -- THE P.C., WHAT COUNCIL APPROVED ON FIRST READING, WITH THE ADDITION OF PROHIBITION ON RESIDENTIAL ON THE GROUND FLOOR.

AND THE ADDITION OF THE MIXED USE COMBINING DISTRICT TO ALLOW FOR THE MIXED USE. THE SITE IS 70,000 SQUARE FEET, MORE OR LESS. AND THE -- AND THE MIXED USE BUILDINGS, THE USE, EXCUSE ME, IS LIMITED TO SITES OF ONE ACRE OR LESS, SO THEY WANTED -- THE PROPERTY OWNERS WANTED TO DO A MIXED USE BUILDING, BUT BECAUSE OF THAT LIMITATION, THE SPECIAL USE THAT'S ALLOWED WE HAD TO LOOK FOR AN AMOUNT ACTIVE SOLUTION TO GET THIS PROJECT THAT EVERYONE SEEMS TO BE IN AGREEMENT ON OFF THE GROUND, AT LEAST GET IT STARTED.

McCracken: I WILL ADD THAT [LAUGHTER] COMBINING DISTRICT, WITH THE ADDITION OF MIXED USE COMBINING

DISTRICT AS WELL.

AND THE PROHIBITION AGAINST RESIDENTIAL ON THE FIRST FLOOR.

OKAY. MOTION BY COUNCILMEMBER MCCRACKEN, SECOND READING ONLY TRACT 180 TO APPROVE C.S. M.U. C.O. N.P. WITH THE PROHIBITION OF RESIDENTIAL USES ON THE FIRST FLOOR AND THE LIST OF PROHIBITED CONDITIONAL USES AS SHOWN.

SECONDED BY THE MAYOR PRO TEM. THANK YOU.

FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER OFF THE DAIS.

JUST A FEW MORE TO GO, THEN WE CAN ALMOST BE DONE WITH THIS ONE. THIS WILL BE TRACT 201. IT'S THE BUCKINGHAM SQUARE APARTMENTS AT 711 WEST 32nd STREET TO GO FROM M.F. 4 TO [INDISCERNIBLE] WITH A HEIGHT LIMIT OF 35 FEET, THAT IS THE CONDITIONAL OVERLAY. THAT WAS APPROVED BY THE P.C. AND COUNCIL ON FIRST READING. AND IT'S WHAT STAFF AND -- WHAT STAFF IS RECOMMENDING. BEGIN THE PROPERTY OWNER HAS SENT A LETTER OF PROTEST, BUT IT NEEDS TO BE -- I NEED TO GET A FORMAL DOCUMENT FROM HIM GIVING HIM AUTHORITY TO FILE THE PETITION AND AS I STATED HE'S IN SAN FRANCISCO AND I E-MAILED AND PHONED HIM BUT I HAVEN'T HEARD BACK FROM THE GENTLEMAN.

SO ESSENTIALLY THEY ARE IN OPPOSITION TO THE HEIGHT LIMITATION.

THAT IS -- GOING FROM M.F. 3, 4 TO 3, SORT OF THAT MARGINAL. BUT BEING SURROUNDED AS HE IS BY A VARIETY OF SINGLE FAMILY USES, IT MIGHT BE VERY HARD FOR HIM TO -- TO FULLY TAKE ADVANTAGE, IF THEY WERE TO REBUILD IT UNDER THE M.F. 4 TO FULLY REACH THE HEIGHT

OF 60 FEET OR THE DENSITIES THAT M.F. WOULD ALLOW. THIS STRUCTURE WAS BUILT IN THE LATE 60s, EARLY 60s, THEN IT DIDN'T HAVE COMPATIBILITY STANDARDS WEREN'T PART OF THE LAND DEVELOPMENT CODE AT THAT TIME. IT'S A VERY LARGE -- VERY LARGE APARTMENT BUILDING.

RIGHT. QUESTIONS, COMMENTS? I'LL ENTERTAIN A MOTION ON TRACT 201.

MAYOR, I MOVE ON STAFF RECOMMENDATION, M.F. 3-C.O.-N.P. LIMIT HEIGHT TO 35.

MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY TRACT 201 M.F. 3, C.O., N.P. WITH THE HEIGHT LIMITATION OF 35 FEET. FURTHER COMMENTS? ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT IS TRACT 204, ALONG KING STREET, KING LANE. THERE IS VALID PETITION, STAFF IS RECOMMENDING S.F. 3 C.O. N.P., THAT WOULD BE A -- THAT WOULD MATCH THE USES AS THEY CURRENTLY ARE ON THE GROUND. THE PROPERTY OWNER HAS FILED A PETITION AND REQUESTS THAT THE M.F. 2 STAY IN EFFECT. I HAVE SEEN THE COMMENTS, STAFF, THE NEIGHBORHOOD AND DIFFERENT PROPERTY OWNERS ARE -- OR REPRESENTATIVES OF THE PROPERTY OWNERS, HAVE MET ON SEVERAL OCCASIONS, HAVE CORDIALLY AGREED TO DISAGREE ABOUT WHAT THE BEST ZONING IS ON THIS SITE.

ARE MOST OF THESE OWNER OCCUPIED?

I DON'T THINK ANY OF THEM ARE OWNER OCCUPIED?

Mayor Wynn: QUESTIONS, COUNCIL?

THIS IS -- WHICH ONE?

THAT WOULD BE TRACT 204.

204, OKAY.

IMMEDIATELY TO THE EAST OF TRACT 201 THAT WE JUST --
THAT YOU JUST MADE A MOTION ON.

I WILL ENTERTAIN A MOTION.

Dunkerly: I MOVE APPROVAL OF THE NEIGHBORHOOD PLAN
STAFF RECOMMENDATION, S.F. 3 C.O. N.P. WITH A LIMIT OF
30 FEET.

SECOND.

MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED
BY COUNCILMEMBER MCCRACKEN TO APPROVE ON SECOND
READING FOR TRACT 204 THE NEIGHBORHOOD PLAN STAFF
RECOMMENDATION OF S.F. 3 C.O. N.P. WITH A HEIGHT LIMIT
OF 30 FEET.

Goodman: MAYOR? I WILL VOTE FOR IT ON SECOND READING.
THIS IS ONE, THOUGH, THAT I HAD WANTED TO TALK ABOUT
AND KIND OF FELL THROUGH THE CRACKS AS I LOOKED AT
MANY OTHER THINGS. THIS IS WHERE I THOUGHT A LONG
TIME AGO THAT WE WERE TALKING ABOUT S.F. 6 AND SO
THAT -- SO THAT I'M NOT SURE THAT -- SO IT WAS MULTI-
FAMILY IN A SENSE, NOT THIS MULTI-FAMILY. BUT IT WASN'T
S.F. 2 OR 3, EITHER. SO BY NEXT TIME, I SHOULD KNOW
WHAT IT IS THAT I MIGHT PROPOSE AND TALK TO THE
NEIGHBORHOOD IN BETWEEN.

Mayor Wynn: FAIR ENOUGH. FURTHER COMMENTS? ALL
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASSES ON A VOTE OF SECOND
READING VOTE OF 7-0.

NEXT IS 3201 NORTH LAMAR. ANOTHER ONE WHERE THE
REPRESENTATIVES OF THE HERITAGE NEIGHBORHOOD, THE
PROPERTY OWNERS AND AGENT AND STAFF HAVE MET TO

SEE IF THEY ARE -- IF THEY CAN COME TO AN AGREEMENT AND -- AND I THINK THERE -- THERE -- CAME TO A HIGH LEVEL OF AGREEMENT WITH THE EXCEPTION OF -- OF AUTOMOBILE WASHING FOR THE NEIGHBORHOOD. IT COULD SUPPORT WITH SOME CONDITIONS THAT MIGHT HAVE TO BE EMPLOYED THROUGH RESTRICTIVE COVENANT BETWEEN THE PROPERTY OWNER AND THE NEIGHBORHOOD, BUT THEY COULDN'T COME TO AN AGREEMENT ON WHETHER TO ALLOW AUTOMOTIVE WASHING ON THIS SITE. SOME OF THE NEIGHBORHOOD FOLKS HAVE -- HAVE DONE SOME SCHEMATICS, SOME DRAWINGS TO SHOW THAT -- THAT IN REALITY THAT WITHOUT TOTAL TEAR DOWN AND VERY DESIGN THAT AUTOMOTIVE WASHING WOULD BE VIRTUALLY IMPOSSIBLE DUE TO CAR CUING REQUIREMENT, IT WOULD BE HARD TO PUT ONE IN THERE CURRENTLY UNDER THE CURRENT CONFIGURATION. AS I STATED EARLIER, THE PROPERTY OWNER IMMEDIATELY TO THE EAST EXPRESSED EXTREME RESERVATIONS ABOUT HAVING AUTOMOTIVE WASHING ON THAT SITE. SO THE -- THE RECOMMENDATION FROM STAFF IS THE SAME AS WHAT WAS APPROVED ON FIRST READING WITH THE EXCEPTION OF AUTO REPAIR, AUTO RENTAL, AUTO SALES WOULD BECOME PERMITTED WITH THE UNDERSTANDING THAT CERTAIN RESTRICTIONS WOULD BE AGREED TO BY THE NEIGHBORHOOD AND THE PROPERTY OWNER. AND LEAVING AUTOMOTIVE WASHING IN THE PROHIBITED COLUMN.

Mayor Wynn: QUESTIONS? COUNCILMEMBER DUNKERLY?

THE RECOMMENDATION THAT YOU JUST -- THAT YOU JUST GAVE THERE, DOES THAT LOOK LIKE THE ALMOST AGREEMENT WITH THE NEIGHBORHOOD AND THE -- AND THE OWNER, EXCEPT FOR THE -- FOR THE AUTO WASHING?

THAT IS CORRECT.

THAT'S THE REASON WHY -- I DON'T KNOW IF THE PROPERTY OWNER WASN'T MADE CLEAR, IF THEY WERE AMENABLE, BUT I FIGURED THEY SAT DOWN, TALKED, CAME THIS CLOSE. WITH THIS ONE STICKING POINT, MAYBE WE COULD REACH AN AGREEMENT OR NOT, AT LEAST TRY TO BY THIRD READING.

COUNCILMEMBER MCCRACKEN?

THE -- THERE'S SOME INDICATION THAT -- THAT THE -- THAT THE PROPERTY OWNER WANTED MIXED USE, CAN YOU -- CAN YOU EXPLAIN TO ME WHAT -- WHAT IT SAYS? PROPERTY OWNER RECOMMENDATION, C.S. N.P. ALLOW THE NEIGHBORHOOD MIXED USE BUILDING.

YES. MY UNDERSTANDING, EVEN THOUGH -- JUST ALLOW STRAIGHT AHEAD C.S. USE AND ALLOW THE NEIGHBORHOOD MIXED USE BUILDING, THE PROPERTY OWNER' AGENT INDICATED THAT -- THAT THE PROPERTY OWNER HAD -- MIGHT CONSIDER POSSIBLY IN THE FUTURE DOING SOME KIND OF MIXED USE PROJECT ON THE SITE. BUT -- BUT NOTHING VERY FIRM IN MIND. IT WAS MORE OF MUSING THAN ACTUAL PLANS.

McCracken: THERE'S ACTUALLY NO -- ARE THERE ACTUALLY NOT OR NOT REQUESTING M.U. ZONING?

IT WASN'T EXPRESSLY STATED BUT I THINK MIXED USE BUILDING WAS SOMETHING THAT THEY HAD -- THAT THEY SAID DOING A MIXED USE PROJECT, NOT SAYING APARTMENTS OR COMMERCIAL. THAT'S THE REASON WHY --

CAN YOU GIVE US SOME -- SOME --

COUNCILMEMBERS, MY NAME IS MIKHAEL MEADE, WE ACTUALLY PREFER TO HAVE A MIXED USE ZONING AS WELL. THAT WAS ONE THING THE NEIGHBORHOOD OBJECTED TO AT THE SITE, I THINK ON EVERY SITE ON LAMAR. WE WERE SATISFIED WITH THE MIXED USE BUILDING AS AN OPPORTUNITY TO HAVE THAT ON THE SITE. IN LIEU OF MIXED USE ZONING. WITH THE MIXED USE BUILDING BEING ONE OF THOSE THAT WE COULD OPT INTO IF WE COMPLIED WITH CERTAIN OTHER REQUIREMENTS.

McCracken: SUCH AS WHAT OTHER REQUIREMENTS?

I THINK IT HAS TO DO WITH HOW YOUR FRONT FACADE OF YOUR BUILDING LOOKS, WHERE YOUR PARKING IS SITUATED, THAT TYPE OF A THING AND THE REQUIREMENT THAT YOU ACTUALLY HAVE MIXED USE AS OPPOSED TO IT

BEING AN OPTION. WE WERE FINE WITH THAT. WE PREFERRED TO HAVE THE MIXED USE COMBINING DISTRICT AS WELL, BUT THAT WAS SOMETHING THAT WE UNDERSTOOD THE NEIGHBORHOOD OPPOSED ON LAMAR.

MARK, CAN YOU GIVE US SOME BACKGROUND.

YES, BECAUSE I STATED EARLIER THE MIXED USE COMBINING DISTRICT DOESN'T ENSURE THAT YOU ARE GOING TO GET MIXED USE, IT GIVES OPTIONS AS WELL YOU CAN'T DO MIXED USE, COMMERCIAL OR RESIDENTIAL. BUT THERE IS NO -- NOTHING REGULAR LA -- REGULATORY TO HOLDING SOMETHING TO DO A MIXED USE PROJECT. THE NEIGHBORHOOD SAID THEY WOULD LIKE LAMAR TO BE KIND OF AN URBAN, MIXED USE CORRIDOR. BUT THE LEEWAY GIVEN BY THE MIXED USE COMBINING DISTRICT DIDN'T PROVIDE THE ASSURETY OF MIXED USE THAT THE MIXED USE BUILDING WOULD. SO WE RECOMMENDED MIXED USE BUILDING AND NON-MIXED USE COMBINING DISTRICT ALONG BOTH LAMAR AND GUADALUPE CORRIDORS.

IS THIS PART OF THE PROBLEM THAT -- SOUNDS LIKE OUR CURRENT LAWS DO NOT REFLECT -- DO NOT EVEN GIVE US THE OPPORTUNITY TO GIVE WHAT THE PEOPLE WANT. IS THAT ACCURATE HERE?

WELL, THE MIXED USE BUILDING DOES PROVIDE THAT OPTION. TO DO A MIXMIXED USE BUILDING, THOUGH THERE ARE SITE LIMITATIONS AS MENTIONED IN TRACT 180 THAT WE ARE LOOKING AT ADDING. BUT THERE IS THAT OPTION AVAILABLE THROUGH THE NEIGHBORHOOD PLANNING PROCESS AND THE MIXED USE BUILDING OPTION. BUT THAT'S ONLY AVAILABLE INSIDE THE NEIGHBORHOOD PLAN. NOT AVAILABLE CITY-WIDE.

McCracken: WOULD IT HAVE TO BE DONE THROUGH A COUGH NAPT OR THROUGH OUR ZONING -- OUTSIDE OF THE NEIGHBORHOOD PLANNING AREA --

McCracken: THIS IS IN THE NEIGHBORHOOD PLANNING AREA.

IT IS AN OPTION THAT YOU CAN APPLY TO A SITE. A SPECIAL USE THAT HAS SPECIAL DEVELOPMENT AND DESIGN

RECOMMENDATIONS AS IT RELATES TO BUILDING ORIENTATION, PARKING, PERCENTAGES OF -- OF MULTI-FAMILY THAT CAN BE, RESIDENTIAL THAT CAN BE ON THE GROUND FLOOR, SO FORTH. ACTUALLY MIXED USES COMBINED DISTRICT DOESN'T HAVE THAT LEVEL OF DETAIL AS IT RELATES TO DESIGN.

YES, MY NAME IS LAURIE LINDHBACKER. I WANTED TO CLARIFY NO OBJECTION TO THE MIXED USE BUILDING, HAVE EMBRACED THAT ON ALL OF THE CORRIDORS AROUND OUR NEIGHBORHOOD. I THINK WE DISCUSSED THAT WITH MS. MOOED, THAT WE DEGREED IT WOULD BE GOOD TO HAVE THOSE ON NORTH LAMAR. IT'S A TINY SITE, ABOUT 1350 SQUARE FEET, A THIRD OF AN ACREAGE. THE SIZE OF THE SITE ITSELF LIMITS THE OPTIONS FOR REDEVELOPMENT. BUT THE NEIGHBORHOOD HAS NO OBJECTION TO THE MIXED USE BUILDING.

McCracken: IF WE WENT WITH THE STAFF RECOMMENDATION, ALLOWED THE NEIGHBORHOOD MIXED USE BUILDING, WOULD THAT BE OKAY WITH THE NEIGHBORHOOD, TOO.

YES, WE HAD A STEERING COMMITTEE MEETING, DISCUSSED THAT VERY THING. WE WOULD CERTAINLY BE OPEN TO THAT. THE CONCERN IS THAT I THINK THE ONLY WAY TO -- TO EFFECT THE CONDITIONS THAT -- IN THE COURSE OF OUR VARIOUS MEETINGS WITH MS. MEAD, WHICH WERE VERY PLEASANT BY THE WAY, THE ONLY WAY TO EFFECT THE CONDITIONS THAT WE DISCUSSED FOR THE OTHER USES ON HER LIST, THAN AUTOMOTIVE WASHING AS WE ARE TOLD BY STAFF IS THROUGH A RESTRICTIVE COVENANT. THE RESTRICTIVE COVENANT REQUIRES PARTIES WHO ARE WILLING TO COOPERATE AND THE PETITION MAY INDICATE THAT THE PROPERTY OWNER IS NO LONGER WILLING TO PARTICIPATE IN SUCH AN AGREEMENT. BUT WE ARE CERTAINLY OPEN TO IT.

McCracken: I WILL MOVE APPROVAL FOR THE STAFF RECOMMENDATION AND ALSO ALLOW MIXED USE BUILDING.

MOTION BY -- MOTION BY COUNCILMEMBER MCCRACKEN ON TRACT 236, I THINK WOULD BE C.S.-C.O.-M.U.-N.P. I DON'T THINK IT WOULD BE M.U. THAT'S THE WEIRD DEAL ABOUT

THIS. MIXED USE BUILDING, EVEN THOUGH IT'S NOT ZONED MIXED USE.

THAT'S CORRECT, IT MAKES IT MIXED USE ON THE FUTURE LAND USE MAP IN THE PLANS.

THEY DON'T NEED M.U. TO DO A MIXED USE BUILDING.

YEAH.

THE SAME.

C.S.-C.O.-N.P., WITH THE REMOVAL OF AUTOMOTIVE REPAIR, RENTAL AND SALES FROM THE PROHIBITED USES.

THAT IS CORRECT.

ALSO ALLOWING MIXED USE BUILDING.

THAT IS CORRECT.

ALSO ALLOWING THE MIXED USE BUILDING. SECONDED BY THE MAYOR PRO TEM. SECOND READING ONLY. COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THE LAST TRACT IN THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA IS TRACT 1019, 2843 AND 2841 SAN GABRIEL, THE RECOMMENDATION IS S.F. 30 N.P. WITH A HEIGHT LIMIT OF 30 FEET. CURRENTLY SINGLE FAMILY ZONED. THE PROPERTY OWNER IS OBJECTING TO THE -- TO THE LIMIT OF -- OF THE HEIGHT. THIS IS LOCATED I THINK MORE OR LESS MID BLOCK. SO IT'S -- IT'S IN THE MIDDLE OF A RESIDENTIAL DISTRICT. THE PROPOSED ZONING IS S.F. 3.

C.O.

FROM S.F. 3 TO S.F. 3 C.O.-N.P.

REMIND ME WHAT IS THE HEIGHT LIMIT TYPICALLY IN S.F. 3.

CURRENTLY THE HEIGHT IS 35 FEET, BUT THE WAY IT'S MEASURED YOU COULD GET OSTENSIBLY A 40-FOOT STRUCTURE. LOWER, SLIGHTLY SMALLER, SLIGHTLY LESS LARGE HOUSES.

FURTHER QUESTIONS? -- IF NOT, I'LL ENTERTAIN A MOTION ON TRACT 1019. MAYOR?

Mayor Wynn: MAYOR PRO TEM? I WILL MOVE IT LIMIT THE HEIGHT TO 30 FEET. FIRST READING. I'M SORRY, I DIDN'T HEAR THE QUESTION COUNCILMEMBER? OH, A MOTION, I'M SORRY.

Goodman: JUST THE SAME AS WE HAD.

MOTION BY THE MAYOR PRO TEM TO APPROVE ON SECOND READING ONLY FOR TRACT 1019, NEIGHBORHOOD PLANNING STAFF RECOMMENDATION OF S.F. 3 C.O. N.P. WITH THE HEIGHT LIMITATION OF 30 FEET.

I SECOND THAT.

HE COULDED BY COUNCILMEMBER THOMAS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NOW, TOM BOW WILL --

Mayor Wynn: ACTUALLY, COUNCIL, I WOULD RECOMMEND, IT'S BEEN SUGGESTED THAT -- THAT NOW WE TAKE UP THE UNIVERSITY NEIGHBORHOOD OVERLAY, I APOLOGIZE TO SOME FOLKS HERE FROM THE NORTH UNIVERSITY AND HANCOCK, BUT FRANKLY WHILE ALL OF THESE TRACTS ARE STILL FRESH IN OUR MINDS, I THINK IT WOULD BE MORE -- A MORE BENEFICIAL DISCUSSION, ALTHOUGH SEVERAL COUNCILMEMBERS HAVE ALREADY ALERTED US TO THE FACT THAT -- THAT THEY AND WE, I, DON'T WANT TO TAKE

ACTION ON THE UNIVERSITY NEIGHBORHOOD OVERLAY TONIGHT. I THINK OUR DISCUSSION WILL BE BETTER IF WE HAD IT RIGHT NOW VERSUS AFTER MORE TIME. WITHOUT OBJECTION, COUNCIL? WE WILL GO BACK TO ITEM 47 TO DISCUSS THE UNIVERSITY NEIGHBORHOOD OVERLAY.

COUNCIL, I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THE UNIVERSITY NEIGHBORHOOD OVERLAY.

Mayor Wynn: QUESTION, COUNCIL, COMMENTS?

Alvarez: COUNCILMEMBER ALVAREZ? >>> MAYOR WYNN: COUNCILMEMBER ALVAREZ?

Alvarez: I WAS WONDERING IF STAFF COULD WALK THROUGH THE CHANGE TO THE OVERLAY DISTRICT PERTAINING TO AFFORDABLE HOUSING.

PAUL HILGERS, DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT TO SPEAK TO THIS ISSUE.

HAUL HILGERS -- PAUL HILGERS. COUNCIL MEMBER, IN RESPONSE TO SECOND READING, STAFF HAS COME UP WITH SOME -- ABOUT SOME CHANGED STAFF RECOMMENDATIONS, WE HAVE DISCUSSED THESE WITH -- WITH STAKEHOLDERS AND -- AND WOULD LIKE TO PRESENT THOSE TO YOU AND THEN CONTINUE TO WORK AFTER -- AFTER GETTING FURTHER DIRECTION FROM YOU TONIGHT. 7 AND WHAT WE HAVE BEFORE YOU IS ESSENTIALLY THE -- THE SECOND READING ON THE YELLOW SHEET, THE SECOND ORDINANCE READING AND THEN THE NEW RECOMMENDATIONS AND AS THEY ARE, I'LL JUST WALK THROUGH THOSE AS YOU REQUESTED, COUNCILMEMBER ALVAREZ, AS -- CURRENTLY IT STANDS THAT ALL -- ALL UNITS THAT WOULD RECEIVE THE UNIVERSITY NEIGHBORHOOD OVERLAY BENEFITS WOULD BE REQUIRED TO HAVE 10% OF THEIR HOUSING AT 80% OF MEDIAN FAMILY INCOME THAT WOULD BE A REQUIREMENT AND THAT'S NOT CHANGED IN OUR RECOMMENDATIONS FOR THIRD READING. THE 10% AT 50% MULTI-FAMILY IS ALSO A REQUIREMENT OR THEY WOULD PAY A FEE IN LIEU OF IF THEY DO NOT PROVIDE THAT -- THAT 10% AT 50% OF MULTI-FAMILY INCOME. THAT WOULD BE CHANGED IN OUR

RECOMMENDATION, THAT -- THAT THE -- THAT THE PAYMENT WOULD GO FROM A -- WHAT WE RECOMMENDED LAST -- LAST WEEK, WAS 20 CENTS PER SQUARE FOOT AFTER -- AFTER FURTHER DISCUSSIONS WE HAVE -- WE HAVE RECOMMENDED, CHANGED OUR RECOMMENDATION TO MAKE THAT A 40 CREPT PER SQUARE FOOT FOR CONDITIONED SPACE. RECOMMENDATION FOR THOSE WHO CHOOSE NOT TO PROVIDE THE 50% OF MULTI-FAMILY, 50% RENTS -- 50% MULTI-FAMILY INCOME RENTS, EXCUSE ME. SO THAT ESSENTIALLY DOUBLES THE PRICE OF THE FEE IN LIEU OF -- THAT WE HAD RECOMMENDED FROM LAST WEEK. THAT'S THE MAJOR CHANGE. WE HAD ALL DEVELOPMENTS WERE ALLOWED FOR PARKING REDUCTIONS TO 60% OF APPENDIX A. I WILL LET KARL McCLINTON TALK ABOUT PARKING, THAT'S REALLY ONLY TIED TO AFFORDABLE HOUSING IN THAT WHATEVER REDUCED COSTS FOR PER PARKING WOULD REDUCE CONSTRUCTION COSTS, SO IT WOULD BE TIED TO AFFORDABILITY. OUR RECOMMENDATION WAS THAT THAT WOULD BE PARTICULARLY BENEFICIAL FOR THOSE DEVELOPMENTS SERVING FAMILIES AT 50% OR STUDENTS AT 50% OF MULTI-FAMILY INCOMES. NEXT -- NEXT THE SMART HOUSING FEE WAIVERS, WE HAD NOT DISCUSSED LAST WEEK THAT -- THAT WE NEED TO LOOK AT - - LOOK AT EITHER -- EITHER ELIMINATING THOSE FEES FROM OUR -- FROM OUR LIVING UNIT EQUIVALENT CAP OF A THOUSAND UNITS PER YEAR OR INCREASING THE CAP BECAUSE WE ARE -- WE ARE COMING CLOSE TO REACHING THAT THOUSAND UNIT LUE AND -- OF LIVING UNIT EQUIVALENT FOR SMART HOUSING FEE WAIVERS, SO WE ARE LOOKING AT TRYING TO ADDRESS THAT. WE WOULD HAVE TO TAKE THAT BACK TO -- THROUGH THE PLANNING COMMISSION TO CHANGE THAT -- TO CHANGE THAT CODE. MARTY, DO YOU WANT TO GIVE ME A LITTLE HELP ON HOW THAT PROCESS WOULD WORK REAL QUICKLY.

YES, THAT PARTICULAR AMENDMENT CANNOT BE ACCOMPLISHED THROUGH THE UNO ORDINANCE. THAT HAS TO GO BACK AND AMEND SECTION 25.9.

Slusher: 347 OF THE CODE BECAUSE THAT'S THE SECTION THAT DEALS WITH THE IMPACT FEES. AS A RESULT OF THAT, THAT PARTICULAR CODE AMENDMENT, BECAUSE IT'S SPECIFIC TO THAT -- TO THAT SECTION OF THE CODE,

WOULD HAVE TO GO BACK THROUGH THE PLANNING COMMISSION AND COME BACK UP. BUT WE WOULD PROCESS WAS THAT AND BRING IT FORWARD IF THAT IS THE COUNCIL'S DESIRE.

THEN ON THE AFFORDABILITY PERIOD OF 15 YEARS, WE DIDN'T RECOMMEND A CHANGE TO THAT. THEN THE OTHER ONE IS A SIGNIFICANT CHANGE, I THINK THE COUNCILMEMBER RESPONDING TO YOUR REQUEST LAST WEEK, BUT ON THE TRUST FUND DOLLARS THAT WILL BE CREATED, 40 CENTS FEE IN LIEU OF, PUT INTO A TRUST FUND AND SPECIFICALLY DESIGNATED FOR THIS NEIGHBORHOOD TO HELP SUPPORT DEVELOPMENTS THAT WOULD CREATE UNITS TO SERVE FAMILIES AT 50 PERCENT OF MEDIAN FAMILY INCOME. WHAT WE ARE RECOMMENDING IS THAT, ONE, THE CHANGES THAT THAT WOULD BE CREATED, ADMINISTERED BY THE AUSTIN HOUSING FINANCE CORPORATION, WHICH WOULD MEAN THAT THE GUIDELINES FOR THAT PROGRAM COULD COME BACK TO YOU AS THE FINANCE CORPORATION, BUT THAT THE MINIMUM THRESHOLD TO BE ABLE TO ACCESS THAT MONEY WOULD BE 20% OF THE UNITS WOULD HAVE TO SERVE FAMILIES OR STUDENTS OR PEOPLE AT 50% OR MEDIAN FAMILY INCOME WOULD BE A MINIMUM REQUIREMENT. SO THAT DOUBLES WHAT WAS IN THE RECOMMENDATIONS LAST WEEK AND IN RESPONSE TO WHAT YOU HAD IDENTIFIED AS A CONCERN. THEN ON THE BACK WHAT WE HAVE TRIED DO IS GIVE YOU A PROJECTED FISCAL IMPACT OF THE FEE WAIVERS WITH SOME ASSUMPTIONS, FRANKLY THE FACT THAT WE ARE GOING TO HAVE SOME TIME TO GO OVER THESE ASSUMPTIONS, WILL GIVE US A CHANCE TO WORK THROUGH SOME MORE OF THESE AND SOME -- BRING YOU SOME ALTERNATIVE ASSUMPTIONS, GIVE YOU BETTER DATA OF EXACTLY WHAT WE THINK THE IMPACT ON FEE WAIVERS MIGHT BE. BETTER PROJECTIONS ON PRODUCTION POTENTIALLY. ANY OTHER QUESTIONS I WILL BE GLAD TO ANSWER THOSE AS WELL.

OKAY. SO -- SO I LIKED THAT LAST ONE THAT YOU MENTIONED ABOUT WHO CAN ACCESS THOSE HOUSING DOLLARS TO MAKE SURE THAT THEY ARE -- THAT THEY ARE GOING BEYOND WHAT -- AGAIN WHAT WE ARE ALREADY

ASKING THEM TO DO UNDER UNO.

YES, SIR.

SPECIFICALLY. THE AFFORDABILITY PERIOD, NOW, THAT CHANGED FROM OUR FIRST -- FROM FIRST READING, I THINK IT WAS 20 YEARS ON FIRST READING.

I THINK THAT ONE HAS ALWAYS BEEN 15. AT THIS POINT THAT'S NOT SOMETHING THAT WE HAVE CHANGED. WAS THERE SOME DISCUSSION ABOUT ONE PORTION OF IT HAVING 20 YEAR AFFORDABILITY AT ONE POINT IN TIME IN THE DRAFTS? I THINK -- I THINK THAT'S WHAT YOU ARE REFERRING TO. AT SOME POINT THERE WAS -- THEN I GUESS FOR CONSISTENCY'S SAKE IN OUR FORMAL RECOMMENDATIONS WE HAD PUT 15 YEARS.

CONSISTENT WITH -- WITH SOMETHING THAT EXISTS OR JUST -- MARK, YOU WANT TO TALK ABOUT WHERE THAT CAME FROM? DURING THE DISCUSSIONS FOR THIS, THE 15 YEAR TIME FRAME HAD TO DO WITH -- -- AM TOREIZATION -- AM TOREIZATION RATES OF LOANS, COMING FROM THE DEVELOPMENT COMMUNITY, THEY ARE THE ONES THAT RECOMMENDED THE 15 YEAR TIME FRAME.

OKAY. NOW, IN TERMS OF THE -- OF THE LUE ISSUE, THE CAP THAT WE HAVE, CURRENTLY.

YES, SIR.

NOW, THE REASON THAT WE HAVE THE CAP IS TO LIMIT THE AMOUNT OF FEES THAT ARE BEING WAIVED OR WHAT EXACTLY IS THAT.

WELL, ESSENTIALLY, WHEN WE CREATED THE SMART HOUSING PROGRAM, WE -- COUNCIL GAVE US THE AUTHORITY TO -- TO WAVE ADMINISTRATIVELY UP FOR A THOUSAND LUE'S, LIVING UNIT EQUIVALENT, FRANKLY SMART HOUSING THAT BEEN SO SUCCESSFUL, THIS IS THE FIRST YEAR THAT WE ARE ACTUALLY GETTING TO A POINT TO WHERE WE ARE APPROACHING THE THOUSAND UNITS. AND -- AND THE CONCERN OF STAFF THAT WE NEED TO WORK THROUGH AT THIS POINT IS THAT -- IS THAT IF THE

DEVELOPMENT IS SPURRED IN THE -- IN WEST CAMPUS, BETWEEN NOW AND SEPTEMBER, WE MAY BE IN A POSITION TO NOT BE ABLE TO GRANT THOSE LUE'S WITHOUT COMING BACK TO COUNCIL AND ASKING FOR ADDITIONAL LUE'S, THAT'S REALLY THE ISSUE THAT WE WILL HAVE TO FIGURE OUT A WAY TO WORK THROUGH BETWEEN NOW AND THE TIME THIS COMES BACK ON THE 26th. BUT THAT'S SPECIFICALLY THE ISSUE. IT'S NOT -- THE WAY THAT THE ORDINANCE WAS ORIGINALLY WRITTEN WAS THAT WE HAD A THOUSAND UNITS GRANTED ON AN ANNUAL BASIS, THEN IT EVEN STATES IN THE ORDINANCE, IF WE NEED ADDITIONAL WE WOULD COME BACK TO COUNCIL AND ASK FOR ADDITIONAL LUE'S. I THINK THAT THAT IS BASICALLY WHAT WE ARE SAYING HERE. THAT WE WILL PROBABLY HAVE TO DO THAT WHEN THIS IS PASSED. AS MARTY SAID THAT MEANS THAT WE WOULD HAVE TO AMEND THE OTHER ORDINANCE.

Alvarez: REALLY, OUR GOAL IS 5,000 UNITS PER YEAR.

ABSOLUTELY.

ABSOLUTELY CORRECT.

FIGURE OUT HOW TO -- TO MANAGE THAT.

ONE MORE POINT TO SUPPORT THAT, IS THAT ONE -- ONE MULTI-FAMILY UNIT DOESN'T EQUATE TO ONE LUE, SO YOU WILL KNOW. THREE, TO FOUR TO ONE DEPENDING. THE THOUSAND LUE'S ACTUALLY IS EQUIVALENT TO ABOUT 30, POTENTIALLY 3,000 UNITS OF HOUSING PER YEAR. SO -- SO WE ARE STILL GETTING -- GETTING UP THERE.

Alvarez: IF YOU ADD 500 TO IT, WE ARE GETTING PRETTY CLOSE TO 5,000. MY QUESTION, THOUGH, WAS IN TERMS OF YOUR FISCAL NOTE HERE, WHERE YOU SAY OF ALL -- OF ALL HOUSING UNITS GETS THE FEE WAIVERS VERSUS THE ONES PROVIDING HOUSING AT 50% OF M.F. 5 --

YES, SIR.

NOW, WHAT ARE WE ASSUMING THERE? BECAUSE -- BECAUSE THE -- [MULTIPLE VOICES] -- FOR YOU TO GET FEE

WAIVERS, IS IT 30% OR --

THE ASSUMPTION WAS THAT, THE PROPOSAL IN -- IN THE DRAFT ORDINANCE AND THE DRAFT RECOMMENDATION WAS THAT -- THAT -- THAT IF YOU DID THE -- IF YOU DID THE 10% AT 80%, YOU WOULDN'T -- YOU PAID THE FEE IN LIEU OF, THEN YOU WOULDN'T GET THE SMART HOUSING FEE WAIVERS. YOU WOULD ONLY GET THE SMART HOUSING FEE WAIVERS IF YOU DID BOTH THE 10% AND THE 50% AND -- AND REFIGURING THAT, THAT SEEMED COMPLICATED AND ALSO THAT TAKES AWAY AN INCENTIVE THAT EXISTS IN THE SMART HOUSING ORDINANCE. SO IN DISCUSSING THAT WITH STAKEHOLDERS, THE QUESTION WAS AGAIN THAT'S A POLICY ISSUE, BUT THE ISSUE IS THAT HAS A DIFFERENT EFFECT ON THE REVENUE THAT WOULD BE GENERATED BY THE FEES. SO THAT'S WHY WE TRIED TO SHOW YOU THESE TWO DIFFERENT TOTAL FIGURES IF -- IF YOU WENT TO A -- TO ONLY ALLOWING FEE WAIVERS FOR THOSE THAT DID BOTH THE 50% AND THE 10% THEN IT WOULD JUST HAVE THIS LESSER FISCAL IMPACT OVER FIVE YEARS. IF YOU DID IT THE WAY THAT THE RECOMMENDATION IS, THAT WOULD HAVE AN ESTIMATED FISCAL IMPACT OF \$405,000. THAT WAS VERY ROUGH FIGURES. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: SO IS THAT SOMETHING THAT, AGAIN, WE WOULD HAVE TO INITIATE A SEPARATE ITEM?

WE CAN WORK ON THAT, BUT THE ISSUE THAT -- AGAIN, THAT'S CERTAINLY A POLICY DISCUSSION, SO WHAT WE HAD WITH STAKEHOLDERS WAS THE DISCUSSION OF ARE WE THEN TAKING AWAY AN INCENTIVE AND A RIGHT THAT THEY WOULD HAVE BECAUSE THEY'RE DOING 80% SMART HOUSING ALREADY THAT THEY WOULD DO ANYWHERE ELSE IN THE CITY WOULD BE PROVIDING AN INCENTIVE IN THE CITY TO DO THIS THAN IN OTHER PARTS. BUT THE BALANCE YOU ASK IS IF THEY GET A WHOLE BUNCH OF OTHER BENEFITS. SO WE CAN EXPLORE THAT OVER THE NEXT COUPLE OF WEEKS AND COME UP WITH A FINAL RECOMMENDATION THAT WOULD ALLOW YOU THE OPPORTUNITY TO DO EITHER.

Alvarez: IT RELATES BACK TO THE LUE DISCUSSION BECAUSE

IF WE'RE ONLY DOING PROMS THAT DO 10 -- PROJECTS THAT DO 10 AND 10, WE'RE ONLY WAIVING A FOURTH OR FIFTH OF THE FEES THAT WE WOULD BE OTHERWISE.

AND AGAIN, TRYING TO STRIKE THE BALANCE BETWEEN PROVIDING THE RIGHT INCENTIVES TO GET THE RIGHT RESULT IS REALLY WHERE WE'RE TRYING TO COME DOWN ON THIS ONE.

Alvarez: OKAY. THEN I'M WORKING MY WAY UP, AS YOU CAN TELL. NOW, THIS PARKING ONE KIND OF -- I'M NOT TOO SURE ABOUT, BUT IF YOU COULD EXPLAIN THAT AGAIN.

OH, I WILL DEFER ON THE PARKING ONE TO CARL MCCLENDON, WHO WILL ALLOW US TO DISCUSS THAT ONE. I DON'T CLAIM TO DO PARKING.

MAYOR, MEMBERS OF THE COUNCIL, CARL MCCLENDON, WATERSHED AND DEVELOPMENT REVIEW. HERE TO ANSWER SOME OF YOUR QUESTIONS ABOUT PARKING. THERE HAVE BEEN SEVERAL PROPOSALS GENERATED WITH THIS. WE'VE BEEN LOOKING AT VARIOUS ALTERNATIVES. THE MOST RECENT HAS BEEN A PROPOSAL TO REDUCE THE PARKING REQUIREMENT TO 20% IN THIS INSTANCE TO ENCOURAGE TRANSIT ORIENTED DEVELOPMENT, PEDESTRIAN ORIENTED DEVELOPMENT AND SUPPORT THE RECOMMENDATIONS THAT HAVE BEEN PRESENTED TO YOU BY --

Alvarez: NOT REDUCED BY 20%. THAT'S ACTUALLY WHAT IT MEANS, REDUCE TO 20%.

20% OF THE STANDARD REQUIREMENTS.

Alvarez: OKAY. NOW, I THINK NOWHERE ELSE IN THE PLAN DO YOU GO THAT FAR, EVEN ASSUMING THIS CAR SHARE PROGRAM IS INCLUDED, YOU WOULD GO DOWN TO 40, SO WHY IN THIS CASE WOULD YOU GO FROM 60 DOWN TO 20? IS DOESN'T SEEM LIKE VERY MUCH PARKING AT ALL.

THE WATERSHED PROTECTION DEPARTMENT HAS ISSUED A MEMO WHICH I'LL BE GLAD TO FORWARD TO YOU. WE WEREN'T ABLE TO GET IT INTO YOUR PACKET, WHICH OUTLINES THE STAFF'S POSITION ON THE CAR SHARE.

SPECIFICALLY WE SUPPORT THE PLANNING COMMISSION'S OBJECTIVE AND GOAL OF CAR SHARE. WHAT WE'RE CONCERNED ABOUT IS USING THIS AS A TOOL TO LEVERAGE THE DEVELOPMENT PROCESS TO ACHIEVE A REDUCED PARKING REQUIREMENT. OUR SUGGESTION IS THAT IF THE COUNCIL CHOOSES OR DESIRES TO REDUCE PARKING SIGNIFICANTLY TO WHATEVER LEVEL, WE WANT TO ACCOMMODATE THAT. WE WANT TO SUPPORT THAT IN A MANNER THAT ALLOWS US TO IMPLEMENT THAT QUICKLY AND EFFECTIVELY, EASILY AS DEVELOPMENT MOVES THROUGH THE PROCESS. OUR CONCERNS WITH CAR SHARE GENERATE FROM THE STANDPOINT THAT IT'S VERY DIFFICULT TO IMPLEMENT CAR SHARE AS SOMETHING THAT'S VERY WORKABLE AND A SOLUTION ORIENTED TECHNIQUE IN VERY DENSE ENVIRONMENTS WHERE YOU HAVE DENSE DEVELOPMENT. WHAT WE'RE CONCERNED WITH, THOUGH, IS THAT IN MOST CASES WHEN WE'RE READY TO ISSUE CERTIFICATES OF OCCUPANCY AND FINAL BUILDING PERMITS, THAT'S NOT A VIABLE TIME FOR CAR SHARE PROGRAM TO BE UP AND WORKING ON A PROJECT. SO IT'S GOING TO INVOLVE CERTAIN KIND OF MONITORING ENFORCEMENT AFTER THE FACT THAT WE THINK IS GOING TO ADVERSELY IMPACT STAFF RESOURCES. BUT I'LL PRESENT THAT MEMO TO YOU IN A SEPARATE COVER SO YOU'LL HAVE THAT PRIOR TO --

Alvarez: THE PACKET THAT'S BEING DISTRIBUTED.

RIGHT.

Alvarez: OKAY. I THINK THAT IS KIND OF ONE OF THOSE ITEMS TO BE DISCUSSED, AND I'M NOT REALLY SURE WHERE I FALL ON THAT ISSUE, TO TELL YOU THE TRUTH, BUT I'LL LOOK AT THE INFORMATION, BUT I WAS TRYING TO LOOK AT THE RIGHT SIDE OF THAT COLUMN AND WHERE IT SAYS THAT FOR DEVELOPMENTS PROVIDING 20% --

COUNCILMEMBER, LET ME TRY TO --

Alvarez:... OF THE UNITS, 20% MFI THAT PARKING WOULD BE REDUCED TO 20% OF THE REQUIREMENTS FROM 100%...
COUNCILMEMBER

COUNCILMEMBER, LET ME TRY TO GET TO -- AS YOU SAID, THAT WOULD BE THE REQUIREMENT FOR THOSE WHO ARE SERVING LOWER INCOME -- WITH LOWER INCOME UNITS. AND AGAIN, WE CAN DEBATE AND DISCUSS THE 20% FIGURE. THE CONCEPT OBVIOUSLY IS THAT PRACTICAL EXPERIENCE SHOWS THE COOPERATIVES AND NONPROFITS WHO WE THINK ARE GOING TO BE THE PRIMARY USERS OF THIS PARTICULAR PROVISION IN PROVIDING THESE UNITS HAVE EXPERIENCED LESS PARKING DEMANDS AND HAVE HAD TO GO TO THE BOARD OF ADJUSTMENT TO ACHIEVE THOSE. THIS WOULD BE -- ELIMINATE THAT STEP AND WE CAN DISCUSS THAT FURTHER AND ADDRESS YOUR CONCERNS ABOUT WHETHER THAT'S TOO MUCH AND LOOK AT THAT BETWEEN NOW AND THE NEXT TIME THIS COMES BACK. AS YOU SAID, THIS PARKING ISSUE IS ALWAYS A VERY VOLATILE ISSUE AND ONE THAT NEEDS SOME MORE THOUGHT. WE WOULD TAKE A LOOK AT THAT AND COME BACK AND DISCUSS THAT WITH YOU OVER THE NEXT COUPLE OF WEEKS.

Alvarez: OKAY. AND THEN FINALLY TO THE ISSUE OF THE FEE IN LIEU OF PROVIDING THE UNITS, SO WHERE DID WE GET 40 CENTS A SQUARE FOOT?

ESSENTIALLY, COUNCILMEMBER, WE'RE TRYING TO STRIKE THE BALANCE BETWEEN PROVIDING THE INCENTIVE AND TO BE REALISTIC ABOUT WHAT PEOPLE WILL ACTUALLY BE WILLING TO PAY ON A VOLUNTARY BASIS. AND TO STRIKE THE BALANCE BETWEEN THAT AND NOT DRIVING DEVELOPMENT AWAY FROM THE NEIGHBORHOOD AND LOOK AT SOMETHING THAT WE THINK WILL GENERATE SUFFICIENT REVENUE TO HELP US ACHIEVE THE AFFORDABILITY GOALS THROUGH THE TRUST FUND. ESSENTIALLY IF YOU -- WHAT THE OBVIOUS DIRECTION FROM OUR PERSPECTIVE FROM COUNCIL WAS THAT THE 20 CENTS PER SQUARE FOOT WAS JUST NOT SUFFICIENT, AND SO WE WENT BACK AND DID SOME DISCUSSING WITH THE STAKEHOLDERS AND LOOKED AT SOME NUMBERS, AND WE CAME UP WITH A RECOMMENDATION THAT WE SHOULD DO YOU BELIEVE THAT. AND SPOKE WITH THE DEVELOPERS ABOUT THAT, SPOKE WITH THE UNIVERSITY AREA PARTNERS, SPOKE WITH SOME OF THE NEIGHBORHOODS. THERE ARE SOME FOLKS WHO THINK WE SHOULD CHARGE A SUBSTANTIAL AMOUNT

MORE THAN THAT. BUT THIS IS SOMETHING THAT WE THINK IS REASONABLE AND WILL ACHIEVE SOME REVENUE AND ALLOW US TO USE THAT TO SUPPORT THE AFFORDABILITY GOALS AROUND THE NEIGHBORHOOD.

Alvarez: SURE. I THINK THAT -- ARE WE TRYING TO ARRIVE AT A GOAL FOR HOW MUCH -- LET'S SAY A PROJECT THAT SHOULD HAVE PROVIDED 10 UNITS AT 50% OF MFI, WHICH WOULD MEAN IT WOULD BE A 100 UNIT PROJECT, SO 10 OF THOSE UNITS, YOU KNOW, SHOULD BE, IF THEY'RE REQUIRED TO -- WOULD BE AT 50% MFI, BUT THEN THE FEE I FEEL SHOULD BE SOME KIND OF RELATED TO THAT NUMBER OF UNITS BECAUSE THERE'S 10 UNITS AND THEY SHOULD PROVIDE A CERTAIN AMOUNT PER UNIT SO THAT WE CAN GO AND PROVIDE THOSE UNITS ELSEWHERE IN THAT AREA THAT THE HOUSING TRUST FUND IS GOING TO SUPPORT. BECAUSE IT'S HARD FOR ME TO TELL EVEN HOW MUCH IS 40 CENTS VERSUS 20 CENTS GOING TO GENERATE. AND WILL THAT EVEN HELP, YOU KNOW. AND DOES THIS MEAN EVERYONE'S GOING TO OPT TO PAY THE FEE, AND WE ACTUALLY DON'T GET THE AFFORDABLE HOUSING UNITS BUILT SINCE -- THAT'S WHAT THE NEIGHBORS PUT ON THE TABLE, WE WANT 10% AT 80% MFI, 10% AT 80% MFI,, THEN THAT'S WHAT THEY WOULD LIKE TO SEE, BUT UNLESS THE AMOUNT OF REVENUE IS UP, YOU'RE NOT GOING TO GET ANY AT 50% OF MFI. IF IT'S SOMETHING YOU WANTED TO SEE, BUT IT NOT GOING TO HAPPEN.

I THINK THE REALITY OF THIS DISCUSSION -- OF THIS SITUATION IS THAT ONE IS IT'S TRULY WE'RE NOT COMPLETELY SURE HOW THE MARKET'S GOING TO REACT TO THIS. SECONDLY WHAT I THINK WE CAN BE SURE OF IS THAT THE MORE COSTLY DEVELOPMENTS, THOSE THAT ARE ABOVE A CERTAIN HEIGHT THAT REQUIRES STEEL AND CONCRETE, ARE GOING TO OPT FOR MOST LIKELY PAYING A FEE IN LIEU OF. THE ONES THAT ARE GOING TO BE ABLE TO BOTH AT A MARKET RATE AND AT A SUBSIDIZED RATE PROVIDE HIGHER DENSITY, LOWER COST HOUSING THAN THEY CAN CURRENTLY PROVIDE IN THE UNO NEIGHBORHOOD, IS WHAT WE REALLY ARE NOT SURE HOW MANY OF THEM ARE GOING TO REQUIRE THIS MONEY TO BE SUCCESSFUL, HOW MUCH MONEY IS REALLY GOING TO BE NECESSARY TO STIMULATE THAT PRODUCTION, AND SO WE

ARE A LITTLE UNCLEAR AS TO HOW MUCH IS REALLY THE DEMAND. WHAT WE DO KNOW IS THAT THIS WOULD GENERATE ABOUT \$400 A UNIT FOR A THOUSAND SQUARE FOOT UNIT AT 40 CENTS A SQUARE FOOT, AND THE ESTIMATES ARE THAT BASED UPON AGAIN LOOKING AT THE PRODUCTION NUMBERS, WE THINK WE'VE HEARD AS MANY AS A THOUSAND UNITS COME NG THE FIRST YEAR, AND SOME OF THE HIGHER COST DEVELOPMENTS, BUT AGAIN WE JUST DON'T KNOW WHAT THOSE NUMBERS ARE, SO IT'S VERY DIFFICULT FOR ME TO GIVE YOU A GOOD DWIN IT ACTIVE ANSWER OF HOW MUCH REVENUE WILL BE GENERATED. WE ESTIMATE OVER SOME TIME THAT THIS WOULD GIVE US IN EXCESS OF THREE MILLION DOLLARS AND A CONSERVATIVE ESTIMATE OVER THE NEXT 10 YEARS TO INVEST IN AFFORDABLE HOUSING IN NONPROFITS AND -- IN NONPROFITS AND ACTUALLY CREATING A CROAT TOW WITH CO-OPS IN THAT NEIGHBORHOOD TO HELP US FIND NEW AND CREATIVE WAYS TO FIND AFFORDABLE HOUSING FOR STUDENTS AND OTHERS IN THAT NEIGHBORHOOD. WE ARE A LITTLE UNCERTAIN AS TO WHAT THOSE NUMBERS WOULD BE OR WHAT THEY WOULD BE REQUIRED TO BE.

Alvarez: I THINK EVEN IF YOU LOOK AT -- SO HOW MUCH DID YOU SAY FOR ONE UNIT?

IF YOU ASSUME THE AVERAGE SIZE OF THE UNIT IS A THOUSAND SQUARE FEET, JUST FOR SIMPLICITY OF DOING THE MATH, 40 CENTS A SQUARE FOOT, THAT'S \$400 A UNIT. YOU FIGURE 100 UNITS, THEN THAT'S \$40,000 FOR A 100-UNIT APARTMENT COMPLEX THAT WOULD BE AVAILABLE FOR THE TRUST FUND. BESIDES THE OTHER FINANCING THAT WE HAVE AND THE OTHER FINANCING THAT COOPERATIVES HAVE AND OTHER NONPROFITS HAVE, WE THINK THAT THAT'S A REASONABLE AMOUNT TO START AS A BASIS POINT, BUT THAT CERTAINLY IS AN ISSUE WE CAN CONTINUE TO DO NUMBERS ON AND RUN SOME NUMBERS ON.

Alvarez: BUT IF YOU DO THAT, 1,000 SQUARE FOOT PER UNIT, 100 UNITS, YOU GET \$40,000, YOU CAN'T EVEN BUILD ONE AFFORDABLE UNIT WITH THAT AMOUNT OF MONEY.

BUT AGAIN, WHAT WE'RE LOOKING FOR IS THE GAP OF WHAT IT WOULD TAKE TO SUBSIDIZE THE ADDITIONAL MONEY TO

MAKE THOSE 50% OF MFI UNITS ABLE TO BE CONSTRUCTED. SO WE'RE NOT LOOKING AT FUNDING THE TOTAL COST OF THE CONSTRUCTION OF THE UNITS, BUT JUST THE GAP. BUT WE CAN LOOK AT THOSE NUMBERS AGAIN.

Alvarez: I WOULD LIKE TO. MAYBE PUT SOME OF THAT IN WRITING.

YES, SIR.

Alvarez: AS A PROPOSAL TO --

WE CAN ASK SOME OTHER FOLKS ABOUT WHAT THEIR EXPERIENCES ARE AS WELL. COUNCILMEMBER. IT'S A GREAT POINT.

Alvarez: IT SEEMS LIKE EVEN THAT AMOUNT PER SQUARE FOOT DOESN'T SEEM TO GENERATE THE KIND OF FUNDS THAT WE REALLY NEED TO FACILITATE THE PRODUCTION OF THOSE UNITS.

WE CAN LOOK AT THAT FURTHER. THANK YOU, SIR.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: I HAD A FOLLOW-UP ON THE ISSUE OF THE 20% PARKING AS ONE OF THE INCENTIVES TO HELP PRODUCE MORE AFFORDABLE HOUSING. CAN YOU EXPLAIN FOR US HOW YOU CAME UP WITH 20% AND WHAT THE RATIONALE IS FOR THAT?

I'LL LET MR. HURST DO THAT.

COUNCILMEMBER, WITHOUT THE PARKING REDUCTION, THE ASSUMPTION WOULD BE THAT MOST OF THE DEVELOPMENT IN UNO THAT WOULD PROVIDE THE HOUSING THAT SERVES FAMILIES AT 50% OR BELOW WOULD HAVE HAD TO PROVIDE IF THEY BUILT FOUR LEVELS OF RESIDENTIAL ABOVE GROUND, THEY WOULD HAVE TO PROVIDE TWO LEVELS BELOW GROUND, WHICH SIGNIFICANTLY INCREASES THEIR CONSTRUCTION COSTS BECAUSE WHILE THE CONSTRUCTION ABOVE GROUND CAN BE WOOD FRAME, THE CONSTRUCTION BELOW GROUND IS CONCRETE AND STEEL.

SO THE GOAL TO GO TO THE 20% REDUCTION WOULD BE TO EITHER REDUCE THE AMOUNT OF PARKING IN THE BUILDING EITHER BY PLACING IT ON GROUND LEVEL OR BY DOING SHARED PARKING WITH OTHER FACILITIES THAT ARE PROVIDING PARKING BEYOND THE MINIMUM AND THEREFORE MINIMIZING THE CONSTRUCTION COSTS. THE TWO ISSUES WORK IN TANDEM, REDUCING THE PARKING REDUCES THE ACTUAL COSTS PER SQUARE FOOT OF THE UNITS. AND THEN WHEN YOU SUPPLEMENT THAT WITH THE MONEY THAT'S AVAILABLE OUT OF THE TRUST FUND AND YOU FURTHER SUPPLEMENT THAT BY THE FACT THAT WE ASSUME THAT MOST OF THIS 50% HOUSING IS GOING TO BE BUILT BY NOT FOR PROFITS WHO AT THIS POINT UNDER THE STATE TAX STRUCTURE ONLY PAY 50% OF THEIR PROPERTY TAXES, THEN YOU BEGIN GETTING DIFFERENT ECONOMICS TO PRODUCE THAT AFFORDABLE HOUSING, THAN THE MARKET DEVELOPERS WHO HAVE TO PAY 100% OF PROPERTY TAX HAVE. SO WHAT WE'RE TRYING TO DO IS DRIVE DOWN THE BASE COST BY ENCOURAGING PEOPLE TO BUILD TO THE MINIMUM AND NOT FIND THEMSELVES AS THEY DO CURRENTLY WHEN THEY BUILD NEW HOUSING IN A DISCRETIONARY PROCESS WHERE THEY HAVE TO GO TO THE BOARD OF ADJUSTMENT AND ARGUE FOR HARDSHIP AND THAT ADDS A LENGTH OF TIME TO THEIR PROJECT, AND SOMETIMES CAN GET THEIR PROJECTS OUT OF CYCLE, THERE ARE FOLK FROM THE COOPERATIVE COMMUNITY WHO ARE HERE TONIGHT TO TALK ABOUT THAT ON A PRACTICAL BASIS. SO UNDERSTANDING THAT FROM THE STAKEHOLDERS THAT ARE LIKELY TO PRODUCE THE 50% HOUSING, AND GIVEN YOUR ACTION LAST WEEK ON SECOND READING TO GO DOWN TO 40% ON THE CAR SHARE, WE THOUGHT THIS WAS ONE MORE TOOL THAT WOULD MAKE IT MORE ATTRACTIVE FOR WHAT WE BELIEVE TO BE THE KNOT FOR PROFITS THAT WILL ACTUALLY GIVE US THE 50% MFI HOUSING.

McCracken: BY REDUCING THE PARKING MINIMUM THEN, WE WOULD MAKE IT POSSIBLE AND AFFORDABLE TO BUILD MORE AFFORDABLE HOUSING IN THE WEST CAMPUS AREA?

YES, SIR.

McCracken: ONE OF THE THINGS THAT I KNOW THAT SEVERAL

OF US HAVE HEARD IS THAT WE'VE DISCOVERED RECENTLY IS THAT AUSTIN'S PARKING MINIMUM IS HIGHER THAN SAN ANTONIO'S PARKING MAXIMUM. THAT AUSTIN REQUIRES WAY TOO MUCH PARKING AND IT RESULTS IN MASSIVES OCEANS OF ASPHALT IN THE CITY AND DRIVES UP THE COST, MAKES HOUSING MORE EXPENSIVE. AND THAT'S FOR THE THE SUBURBAN DEVELOPMENT PATTERN THAT WE HAVE. CAN YOU TELL US WHAT KINDS OF DIFFERENT TRANSPORTATION PATTERNS WILL RESULT FROM A NEIGHBORHOOD LIKE UNO AND WHAT EFFECT IT HAS ON THE TRANSPORTATION SYSTEM?

NO, HE CAN'T. [LAUGHTER] HE WILL, BUT HE CAN'T.

THERE'S NO ONE HERE FROM STAFF OF PLANNING, TRAFFIC AND SUSTAINABLE TO ANSWER THAT, BUT I CAN GIVE YOU A MORE GENERALIZED ANSWER. TER MCMANUS IS HERE. WE'LL FIND HER. BUT GENERALLY SPEAKING, I THINK IN THE LONG RUN YOU MIGHT SEE -- MIGHT SEE AN INCREASED PEDESTRIAN TRAFFIC, MAYBE AS THE POPULATION INCREASES, YOU'LL SEE HIGHER LEVELS OF SERVICE BEING OFFERED BY THE CAPITAL METRO. I KNOW THAT THERE IS DISCUSSIONS OF A RAPID BUS LINE GOING DOWN GUADALUPE WHERE IT TURNS TO GO DOWNTOWN, WHETHER IT'S ON DEAN KEATON, WOULD LIKELY GO DOWN GUADALUPE STREET. SO I THINK AS THE DENSITY INCREASES, YOU'RE GOING TO SEE BETTER LEVELS OF SERVICE THAN CURRENTLY EXIST, BUT -- >>

MCCRACKEN: THE UNO PLAN IS GOING TO CREATE VERY INTENSE LEVELS OF URBAN DENSITY THAT -- LIKE A LOT OF OTHER BIG CITIES AROUND THIS COUNTRY. ARE YOU AWARE OF WHAT OTHER BIG CITIES DO IN TERMS OF PARKING REQUIREMENTS AROUND UNIVERSITY AREAS?

NO, BUT I HAVE HEARD A NUMBER OF DIFFERENT STORIES. ONE FROM A PERSON WHO WAS IN THE DORMITORY BUSINESS, AS IT WERE, SAID THAT SOME PLACES THEY REQUIRE ONE SPACE PER BED FOR PARKING BECAUSE HIS CONTENTION WAS THAT THE STUDENT POPULATION IS A LITTLE DIFFERENT IN NATURE THAN MANY OF THE OTHER, MIGHT CONSIDER, URBAN DEMOGRAPHICS.

McCracken: DO WE HAVE TERRY HERE?

I DON'T THINK THERE'S ANY QUESTION THAT BY REDUCING PARKING AND CHANGING THE DENSITY PATTERN THAT YOU'RE TALKING ABOUT HERE, YOU'RE GOING TO SEE MORE RELIANCE ON TRANSIT AND PEDESTRIAN-ORIENTED TYPE DEVELOPMENT. QUANTIFYING THAT, I'M NOT SURE THAT WE CAN DO THAT. NOT DO THAT WITHOUT EXTENSIVE ANALYSIS, BUT I THINK THAT YOU WILL SEE MORE RELIANCE ON OTHER MODES OF TRANSPORTATION. CERTAINLY THIS IS GOING TO ENCOURAGE A LOT OF MIXED USE DEVELOPMENT THAT WILL OFFER THE OPPORTUNITY FOR PEDESTRIAN ORIENTED USES THAT WE DON'T PRESENTLY HAVE IN A LOT OF SUBURBAN AREAS. MIXED USES WILL HAVE THE BIGGEST IMPACT, I THINK, IN REDUCING TRAVEL TRIPS WITHIN -- IN A CONFINED AREA. AND COUNCILMEMBER MCCRACKEN, IF YOU RECALL, BACK IN DECEMBER OF 2003 LAST YEAR, YOU ALL PASSED AN ORDINANCE AMENDMENT AS PART OF THE SMALL BUSINESS CODE AMENDMENTS WHICH REDUCED OUR PARKING REQUIREMENTS, AND IN THIS AREA AN AVERAGE OF 30%. IN MOST CASES SAN ANTONIO HAS PARKING RATIOS OF ONE SPACE PER 300 SQUARE FEET FOR COMMERCIAL DEVELOPMENT. WITH THIS REDUCTION IN THE URBAN CORE AREA, THAT WOULD REDUCE THAT TO ONE TO 340 WITH THAT REDUCTION. SO THE STATEMENT THAT OUR PARKING REQUIREMENTS ARE GREATER THAN SAN ANTONIO'S IS NOT ENTIRELY CORRECT, ESPECIALLY FOR THIS AREA.

McCracken: YEAH, THE PARKING MINIMUM FOR AUSTIN IN COMMERCIAL DEVELOPMENT IS 3.6 PER THOUSAND SQUARE FEET AND THE PARKING MAXIMUM IN SAN ANTONIO IS 3.3. AND THERE'S -- AND THAT ADDS COSTS, PARTICULARLY IT AFFECTS AFFORDABLE HOUSING. I KNOW STAFF HAS COME UP WITH A PROPOSAL. COULD YOU EXPLAIN IT ON PARKING ISSUES RELATING TO THE SMALL BUSINESSES, PARTICULARLY ON 24TH AND GUADALUPE?

THERE HAVE BEEN TWO PROPOSALS THAT HAVE BEEN SUGGESTED. ONE OF THEM IS TO ALLOW PARKING EXEMPTION ALONG GUADALUPE STREET FROM MLK TO 29TH. THIS WOULD ESSENTIALLY EXEMPT ANY BUSINESSES FROM COMPLYING OR HAVING TO PROVIDE PARKING. THAT'S

PROBABLY THE MOST HEAVILY PEDESTRIAN ORIENTED DEVELOPMENT THAT WE CURRENTLY HAVE IN THE CITY OF AUSTIN. WE THINK IT MAKES SENSE. ITS FACING THE UNIVERSITY. THERE'S A TIGHT KNIT COMMUNITY OF RESIDENTS IN THAT AREA, AND WE THINK WITH THESE PROPOSALS WITH UNO WILL FURTHER SUPPORT THAT TO MAKE IT MORE PEDESTRIAN ORIENTED, AND THAT IN EFFECT WILL SUPPORT IN OUR OPINION NOT RELYING SO HEAVILY ON PARKING FOR THOSE BUSINESSES ALONG GUADALUPE STREET. THERE'S ANOTHER CORRIDOR PROPOSED BETWEEN -- ON WEST 54TH STREET -- 24TH STREET FROM GUADALUPE TO RIO GRANDE. STAFF'S POSITIONS ON THAT IS WE THINK IT MAKES SENSE TO PROVIDE THIS EXEMPTION. THOSE ARE AGAIN HEAVILY TRAVELED PEDESTRIAN CORRIDORS THAT EXIST TODAY. AND WE SUPPORT THAT. WHAT WE'RE TRYING TO DO IS IMPLEMENT TOOLS THAT ARE EASY AND PREDICTABLE TO IMPLEMENT, AND THAT'S OUR GOAL AND OBJECTIVE IN TRYING SO THAT WE CAN PROVIDE INFORMATION TO DEVELOPERS AND PROVIDE SOME CONSISTENCY IN OUR PROCESS.

McCracken: YEAH. AND I THINK WE FOUND OUT THAT IN PARTICULAR THAT LOCAL BUSINESSES LOSE OUT BIG TIME TO NATIONAL CHAINS WHO CAN AFFORD TO BUILD SAY THE STRUCTURED PARKING WHEREAS THE MOM AND POPS DON'T HAVE THE OPPORTUNITY TO MAY PAI THOSE MASSIVE SUMS FOR PARKING THAT NO ONE IS GOING TO USE OR THAT'S NOT NEEDED FOR THE TRAFFIC PATTERNS IN THE AREA. I JUST WANTED TO ASK THE LAST ONE TO MR. DUNCAN. SORRY TO PUT YOU ON THE SPOT, BUT JOHN JOSEPH VOLUNTEERED YOU. WITH YOUR EXPERIENCE IN THIS AREA, CAN YOU TELL US ABOUT THE URBAN PLANNING ISSUES YOU SEE PARTICULAR RELATING TO THE DEVELOPMENT PATTERNS WE'RE RELATING AND UNO AND ITS AFFECT ON AFFORDABLE HOUSING AND HEIGHT AND PARKING RAISH RATIOS?

LET ME FOCUS THAT QUESTION.

McCracken: I THREW THE KITCHEN SINK AT YOU.

LET ME START OUT BECAUSE I DON'T LIKE TO BE IN A SITUATION WHERE ANYTHING I SAY SOUNDS LIKE CRITICISM

OF THIS PROCESS OR THE COUNCIL COUNCIL OR STAFF BECAUSE YOU PEOPLE ARE DOING A MARVELOUS JOB AND I'VE BEEN FOLLOWING IT FOR THE LAST SIX MONTHS VERY CAREFULLY. WE DO HAVE SEVERAL ISSUES. LET ME -- LET ME MAKE A GENERAL COMMENT FIRST. YOU'VE GOT A WONDERFUL NEIGHBORHOOD PLAN, YOU'VE GOT SOME VERY NICELY PREPARED GUIDELINES. ONE OF THE THINGS THAT I LIKE TO DO WHENEVER WE GET INVOLVED WITH A ZONING OR A PLANNING ISSUE IS I LIKE TO FIND OUT WHAT THE PEOPLE ARE TALKING ABOUT, SO I'VE DONE WHAT I CALL MY INTERNET MEDIA SCAN FOR THE LAST SIX MONTHS TO FIND OUT WHAT THE VARIOUS NEWSPAPERS AND TV STATIONS HAVE BEEN SAYING ABOUT THIS PROCESS. AND THERE'S A CONSISTENT PATTERN. THE PATTERN -- AND IT SEEMS TO ME LIKE EVERYBODY IS ON THE SAME PAGE, YOU JUST NEED TO -- HOW DO YOU MAKE IT HAPPEN. AND WHAT HAS BOTHERED ME AS I'VE GOTTEN INTO IT IS I HAVE SENSED A SIGNIFICANT DISCONNECT BETWEEN THE PLANS, THE EXPECTATIONS, AND THE ORDINANCE BEFORE YOU TONIGHT. I THINK THAT'S WHERE YOU'RE GROPING FOR RIGHT NOW. AND IT REALLY BOILS DOWN TO ABOUT SIX DEFINITIVE ISSUES. THE PROCESS YOU'RE TRYING TO PUT TOGETHER IS TO RESURRECT THE WEST CAMPUS NEIGHBORHOOD, UNIVERSITY NEIGHBORHOOD. AND FOR ANYBODY WHO HAS BEEN AROUND HERE A LONG TIME, AND A LITTLE BIT OF HISTORY, IS IN '69 AND '72 TWO SIGNIFICANT THINGS HAPPENED AND THAT WAS THE DOBIE AND THE CASS TILL ON. AND I LOVE THE QUOTE BY MIKE CLARK MADISON IN A RECENT CHRONICLE ARTICLE SAYING THAT THE BULK AND BRUTALITY OF THOSE TWO AREAS PUT THIS AREA IN A CAT TONIC STATE FOR TWO DECADES. WHAT YOU'RE DOING HERE IS TRYING TO TAKE IT OUT OF THAT STATE. THAT IS SOMETHING THAT WE CAN'T AFFORD TO MAKE ANY MORE MISTAKES. EVERYBODY HERE IS LOOKING FOR SOMETHING. THEY'RE LOOKING FOR A UTOPIAN STUDENT TYPE LIVING ENVIRONMENT, AND THERE ARE CERTAIN COMPONENTS. I THINK YOU HAVE DONE A GOOD JOB OF TAKING CARE OF WHAT I CALL THE PRIVATE DOMAIN ISSUES. THE PRIVATE DOMAIN ISSUES ARE ALLOWING THE INTENSITY TO HAPPEN. ONE OF THE THINGS THAT HAVE FRUSTRATED ME SO MUCH WHEN I WAS HERE IN AUSTIN 20 YEARS AGO WORKING WAS THE FIXATION ON HEIGHT AS A

NEGATIVE ISSUE. HEIGHT IS NOT A NEGATIVE ISSUE. BUT HEIGHT IS NOT THE ONLY ISSUE. AND WHAT YOU'VE GOT HERE IS YOU HAVE COMMITTED DENSITY, DENSITY IN HEIGHT. WHAT I DON'T SEE TIED DOWN ARE THOSE AMENITIES, THE PUBLIC DOMAIN THINGS THAT PEOPLE ARE TALKING ABOUT.

McCracken: CONE EARLIER TALKED ABOUT STREETScape, SIDEWALKS, AFFORDABLE HOUSING, MIXED USE, PARKING, ALL OF THOSE THINGS ARE VERY CRITICAL.

AND LET ME GET TO SOME OF THE ISSUES. LET ME START WITH THE AFFORDABLE HOUSING. WHEN I FIRST LOOKED AT YOUR CODE, THERE HAVE BEEN THREE ADDITIONS THAT HAVE FOLLOWED. YOU'RE MOVING CLOSER. THE BAYOU PROVISION BOTHERED ME A LOT BECAUSE JUST AS COUNCILMEMBER ALVAREZ POINTS OUT, \$400 IS NOT GOING TO SOLVE A LOT OF AFFORDABLE HOUSING ISSUES, AND THAT'S ONE OF THE PROVISIONS OF A BUYOUT ISSUE. YOUR 10 PLUS 10% IS FANTASTIC IF YOU COULD ACTUALLY SECURE THAT. AND THAT \$400 MIGHT PAY ONE PERSON'S RENT ONE TIME FOR ONE MONTH AND THEN YOU DON'T HAVE AN AFFORDABLE HOUSING SOLUTION. I UNDERSTAND - - I COMPLIMENT STAFF TO TRYING TO GET INTO THIS BECAUSE A LOT OF COMMUNITY DON'T EVEN DO IT, BUT I UNDERSTAND THEIR CAUTIOUSNESS BECAUSE THEY SEEM TO BE VERY SENSITIVE ABOUT MARKET CONDITIONS AND THINGS LIKE THAT. I WOULD SAY DON'T WORRY ABOUT THAT TOO MUCH. TRY IT AND IF IT WORKS GO FORWARD. YOUR PARKING ISSUE. YOU'VE READ THEM, BUT THEY TALK ABOUT -- IN FACT, IT WAS RATHER INTERESTING, THE DAILY TEXAN, THE PRESIDENT OF THE BODIES TALKED ABOUT HOW IMPORTANT CARS WERE AND THEY IMMEDIATELY A SLEW OF LETTERS TO THE EDITORS CAME INTO THE DAILY TEXAN SAYING CARS AREN'T THAT IMPORTANT. WE ARE A PEDESTRIAN COMMUNITY. LET'S NOT FORGET THAT. I THINK THAT'S RIGHT AND THIS IS WHERE YOU WANT TO ENSURE THAT IT IS GEARED TO THAT. YOU PUT A LOT OF PARKING SPACES IN THERE AND YOUR GOING TO GET PEOPLE LIKE ME WHO CAN GET MONEY AND COME IN AND HAVE CARS, PEOPLE, OUTSIDERS COMING IN. ONE WAY TO DISCOURAGE THAT IS TO DESIGN IT FOR STUDENTS WHO HAVE FEWER VEHICLES. THE MIXED USE IS A PHRASE THAT COMES UP

EIGHT. EVERYBODY TALKS ABOUT IT. IT WAS IDEAL TO MIXED USE. MIXED USE IS BASICALLY TO MANDATE ON THAT FIRST FLOOR LEVEL RETAIL AND OFFICE. YOUR ORDINANCE DOESN'T DO THAT. IT'S PERMISSIVE. IT SAYS THAT YOU CAN DO UP TO 20%, BUT IT DOESN'T MANDATE UP TO 20% OF THE FIRST FLOOR. SO YOU DON'T REALLY HAVE ANYTHING THAT'S GOING TO GUARANTEE YOU MIX USED OR THE RETAIL, THE MIXED USE, THE RESIDENTIAL, OF COURSE. AND THE FIRST THING I STARTED WITH LAST WEEK AND THE THING THAT BOTHERED ME MOST ABOUT IT IS STREET SCAPE. IT'S THE SIDEWALK ISSUE. THIS ORDINANCE DOES NOT GIVE YOU WHAT YOU'RE EXPECTING. WHEN I READ THESE TWO DOCUMENTS BEFORE I SAW THE ORDINANCE I WAS EXCITED BECAUSE THE ILLUSTRATIONS IN HERE SHOW 25-FOOT GENEROUS SIDEWALKS. THEY SHOW ILLUSTRATIONS THAT ARE BEAUTIFUL. AND THEY SHOWED YOU WHATNOT TO DO. ALONG THE SIDE OF THE DOBIE MALL PARKING GARAGE, SEVEN FEET. WELL, MOST OF YOURS AREN'T LIKE THAT. IT'S SEVEN FOOT OF CONCRETE AND THEN A SLICK WALL. WHAT YOU HAVE NOW IN THE ORDINANCE, AND IT'S BEEN IMPROVED, IT WAS SEVEN FEET. NOW IT'S UP TO 12 FEET, BUT YOU'RE STILL ONLY HALF OF WHAT'S SHOWN HERE. THE MOST CRITICAL THING THAT BOTHERED ME ON THE SIDEWALK AND THE STREET SCAPES WAS IN THE LENGTH BETWEEN ON 24TH STREET, WHICH WAS YOUR MAJOR ENTRYWAY, YOUR MAJOR TRAFFIC WAY BETWEEN GUADALUPE AND RIO GRANDE, THE MOST IMPORTANT TWO BLOCK NECK IN THE ENTIRE AREA OR THREE BLOCKS, YOU DON'T HAVE ANYTHING. ONE OF THE STUDENT COMMENTS IS THEY HOPE THAT YOU DON'T CREATE A CONCRETE CANYON. THAT'S EXACTLY WHAT YOU'RE GOING TO CREATE THERE BECAUSE YOU DON'T REQUIRE ANY SIDEWALK OR SEVEN FEET. SEVEN FEET IS WHAT YOU HAVE NEXT TO THE THEATER RIGHT NOW. THAT SHOWS MY AGE. AND YOU'VE GOT 175-FOOT WALLS. SO WHAT I'M SAYING IS WHAT PEOPLE SAY THEY'RE EXPECTING ISN'T GOING TO HAPPEN WITH THE ORDINANCE BEFORE YOU TODAY. AND I REALLY COMPLIMENT COUNCILMEMBER SLUSHER FOR HAVING THE DISCUSSION BECAUSE YOU DON'T WANT TO DERAIL IT, BUT IT NEEDS SOME TWEAKING, SOME SERIOUS TWEAKING TO MAKE IT HAPPEN. SO I GAVE YOU MORE THAN YOU ASKED FOR, BUT THAT'S ALL A

SUMMARY OF --

I REALLY APPRECIATE THAT. I DON'T KNOW IF ANY OF MY COLLEAGUES HAVE QUESTIONS.

THANK YOU.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?
COUNCILMEMBER SLUSHER.

Slusher: SINCE IT'S GETTING LATE, I'LL LIMIT IT TO A COUPLE. ON THE -- I DON'T KNOW IF ANYBODY CAN ANSWER THIS TONIGHT, BUT DURING DISCUSSION, I THINK FOLKS HAVE TOLD ME THAT THE TRITOWERS AND I THINK IT'S NOW CALLED UNIVERSITY TOWERS, THAT THE HEIGHT LIMIT THERE WAS 175 BECAUSE IT WAS THAT HIGH. I DON'T THINK THAT'S THE CASE. AND DO YOU KNOW HOW HIGH THAT BUILDING IS?

MY BEST APPROXIMATION, COUNCILMEMBER, IS IT'S APPROXIMATELY BETWEEN 140 AND 150, PROBABLY ON THE LOW SIDE OF THAT.

Slusher: SO IT'S CERTAINLY MORE THAN --

IT'S 10 STORIES AND THE BOTTOM STORY LOOKS TO BE BETWEEN 15 AND 20 FEET. IT LOOKS TO BE VERY TALL FIRST STORY, AND THEN THERE ARE NINE RESIDENTIAL STORIES ABOVE THAT. AND THAT PUTS IT APPROXIMATELY IN THAT HEIGHT RANGE. SLUSH

Slusher: IF THEY'RE ALL 15 FEET, THAT IS PRETTY HIGH FOR --

I DON'T KNOW THE EXACT HEIGHT.

Slusher: THAT'S FINE. IF YOU COULD JUST FIND OUT BETWEEN NOW AND THE NEXT TIME.

I'VE ACTUALLY DONE RESEARCH LOOKING FOR THE HEIGHT. I HAVEN'T BEEN ABLE TO LOCATE THE HEIGHT OF THAT ONE. BUT I'VE BEEN ABLE TO LOCATE THE HEIGHT OF THE CASTILLIAN AND DOBIE.

Slusher: WHAT'S THAT.

THE CASTILLIAN IS 246 FEET, AND DOBIE IS 391 FEET, DEPENDING ON WHICH FACE YOU MEASURE IT FROM.

Slusher: OKAY. THAT HELPS WITH TRYING TO FIGURE OUT HOW TO END UP HERE ON THE -- ALONG 24TH. AND THEN TELL ME WHAT THE THINKING WAS OR -- AND IT MAY HAVE BEEN THE NEIGHBORHOOD THAT DID IT OR THE NEIGHBORHOOD ORGANIZATIONS, BUT YOU'VE GOT, LET'S SEE, ON THE NEW MAP WE'VE GOT 9090 FEET THERE ALONG -- 175, AND THEN 90. IT WAS 75 ON THE FIRST READING. AND THEN ACROSS THE STREET ON THE SOUTH SIDE OF 24TH THAT 60 -- IS THAT CORRECT? AND THEN IT'S 60 AND THEN RIGHT BEHIND THAT IS 70. AND THEN BEHIND THAT I THINK IS -- AND THEN FURTHER WEST IS 45. WHAT WAS THE THINKING ON THOSE --

THAT 75-FOOT HEIGHT THAT'S THIS RIGHT HERE YOU'RE REFERENCING?

Slusher: YES.

I THINK THAT HAD TO DO WITH THE EXISTING STRUCTURE THAT WAS THERE, WHICH WAS IN MANY REGARDS BUILT TO THE -- BUILT TO THE STANDARDS THAT THEY WOULD REQUIRE OF NEW CONSTRUCTION. I THINK IT WAS AN ATTEMPT -- IT'S BEEN AWHILE. THAT WAS EARLY ON IN THE PROCESS. I THINK -- MR. MCHONE, DO YOU REMEMBER THE RATIONALE FOR THIS ONE, THIS DECISION? I THINK IT HAD TO DO WITH COD FIEG WHAT WAS ON THE GROUND THAT REFLECTED WHAT WOULD BE BUILT UNDER THE UNO.

Slusher: THANK YOU. MR. MCHONE CAN YOU TEP ME OUT.

YES, SIR. MIKE MCHONE WITH UNIVERSITY AREA PARTNERS AND ON THE CMAPC PLANNING TEAM. WHAT WE WANTED TO DO WAS REFLECT A LINE OF WHAT HAD BEEN BUILT AND AT THE SAME TIME PROTECT THE NEIGHBORHOODS THAT EXISTED neighborhoods that existedEXIST. AND I WANT TO SORT OF REMIND COUNCIL A LITTLE BIT HERE THAT THIS PLAN IS NOT JUST A SERIES OF LITTLE PIECES. IT'S ALL A COMBINED PLAN. YOU PUT US ALL TOGETHER AND WE'RE

TRYING TO DEVELOP HOUSING OPTIONS NOT ONLY FOR STUDENTS, BUT FOR THE PERMANENT RESIDENTS THAT ARE THERE AND FOR THE FACULTY THAT EXIST. SO IF WE HAVE A BLEND OF HOUSING THAT HAS PROTECTED THE SINGLE-FAMILY HOUSING PLUS THE OPPORTUNITY TO BUILD NEW HOUSING, WE WILL HAVE ACHIEVED SOMETHING OF -- A VERY DIVERSE, BUT DENSE COMBINED NEIGHBORHOOD PLAN. AND SO WHENEVER WE START TAKING THE PIECES APART AND SHADING THEM A LITTLE BIT, IT CAN GET DANGEROUS AS TO HOW THE PIECES WILL THEN GO BACK TOGETHER. SO WE HAVE TRIED VERY DILIGENTLY TO MEET ALL OF THE EXPECTATIONS OF ALL OF THE CONSTITUENT HOLDERS OF PROPERTY IN THE AREA AND MEET THOSE DEMANDS AND YET MOVE THE COMMUNITY FORWARD ON A VERY DYNAMIC PLAN THAT IS UNPRECEDENTED IN AUSTIN'S HISTORY OF A REWARDING, PROPER DEVELOPMENT, AND MAKING SURE THAT THAT OCCURS. AND NOT DIS-- PUTTING ANY DISINCENTIVES. THE LANDSCAPING IS THERE, ALL THESE THINGS ARE IN THE DESIGN GUIDELINES, AND WE'VE HAD THE VERY BEST FIRM WE COULD FIND TO HELP US DEVELOP THOSE. SO I URGE YOU TO LOOK AT EACH OF THESE PIECES VERY CAREFULLY, AND I UNDERSTAND THERE'S SOME CONCERN ON THE HEIGHTS, BUT AS WE'VE LOOKED AT IT, WE'VE FOUND THAT EVEN UNDER THE DESIGNS THAT ARE BEING PROPOSED, THE COST DIFFERENTIAL OF PROVIDING HOUSING AS MR. HERSH TRIED TO EXPLAIN IS SUCH THAT YOU DON'T BUILD FOR THE MOST PART -- THERE WILL BE VERY FEW DEVELOPMENTS THAT GO TO THE MAXIMUM HEIGHT BECAUSE THE COST DIFFERENTIAL BETWEEN HEAVY CONSTRUCTION VERSUS LIGHT CONSTRUCTION, AND THE LIMITATIONS THAT'S PLACED ON YOU BY THE RATES THAT YOU CAN CHARGE FOR STUDENT HOUSING WILL ALWAYS LEAN IT EVEN IN THE 175-FOOT ZONES. MOST PEOPLE WILL OPT FOR A 65 TO 70-FOOT BUILDING RATHER THAN A 175-FOOT BUILDING. AND THIS PLAN IS MEANT TO STAND FOR TWO GENERATIONS OF BUILDINGS. ONE BUILDINGS THAT ARE BUILT IN THE NEXT 10 YEARS AND THE BUILDINGS THAT ARE BUILT 20 AND 30 YEARS BEYOND. AS WE GET THAT TRANSPORTATION SYSTEM THAT WE ALL SO DESPERATELY NEED AND WANT. BUT THAT'S THE TRANSITION THAT I SEE HAVING SPENT 35 YEARS DOING THIS. AND SO I THINK THAT WE NEED TO THINK

ABOUT THOSE ISSUES VERY CAREFULLY BEFORE WE -- SO I'M DELIGHTED TO WORK WITH YOU MORE AND MAKE SURE EVERYBODY IS COMFORTABLE WITH WHERE THIS IS GOING AND MAKING SURE IT'S THE BEST PLAN WE CAN GET BECAUSE IT'S VERY HARD TO REACH THE KIND OF CONSENSUS THAT WE'VE REACHED OVER THE PAST TWO AND A HALF YEARS.

Slusher: MR. MCHONE, THANK YOU. THAT IS HELPFUL TO HAVE THAT DIALOGUE, BUT I THINK -- AND CERTAINLY I THINK EVERYBODY ON THE COUNCIL RESPECTS THE EFFORT AND CARE THAT HAS GONE INTO THIS BUT I HOPE YOU WOULD AGREE THAT WE HAVE A RESPONSIBILITY TO LOOK AT EVERY ASPECT OF THIS SELECTED BY THE CITIZENS TO DO SO, AND WE DON'T -- AND WE HAVE RESPONSIBILITY TO LOOK AT THIS EVEN THOUGH IT WAS BROUGHT FORWARD THROUGH A GREAT EFFORT AND GREAT COMPROMISES, THAT IT DOESN'T MEAN -- ET NOT LIKE THE BIBLE, NECESSARILY. IT CAN'TING CHANGED, THOUGH. [LAUGHTER]

Mayor Wynn: FURTHER COMMENTS?

Slusher: YEAH. I WANT TO GO ON AND MAKE A FEW MORE ABOUT THE -- NO, NOT REALLY. ONE THING ABOUT IT THAT I JUST WANTED TO SAY, AND I SAID THIS BEFORE, BUT I'M GOING TO KEEP SAYING IT AGAIN, AND HOPEFULLY I THINK A LOT OF THE NEIGHBORS AGREE WITH ME. BUT IT WAS SAID EARLIER BY SOMEONE, I'VE FORGOTTEN ALREADY BECAUSE IT'S GETTING LATE, BUT WHEN WE'RE TALKING ABOUT THE PARKING THAT IT'S GOING TO HAVE TO BE TRANSIT ORIENTED DEVELOPMENT, MEANING IT'S GOING TO HAVE TO BE A LOT OF TRANSIT, I PERSONALLY THINK THAT'S GOING TO MEAN A RAIL PROJECT THROUGH HERE. BUT I HOPE FOLKS ARE GOING TO BE AROUND FOR THAT BECAUSE IF WE APPROVE PUTTING THIS MANY PEOPLE IN THIS AREA AND IF WE APPROVE THEM NOT HAVING TO HAVE MANY PARKING PLACES IN HERE TO HELP THE PRICES GO DOWN AND TO HELP TO ENCOURAGE TRANSIT ORIENTED DEVELOPMENT, THEN WE'RE GOING TO HAVE TO SUPPORT SOME TRANSIT. AND I DON'T THINK IT'S JUST GOING TO WORK AS BUSES, ESPECIALLY IF THEY DON'T HAVE THEIR OWN DEDICATED LANES. SO I HOPE THERE WILL BE SOME OTHER FOLKS

SAYING THAT AFTER WE DO APPROVE A VERSION OF THIS. I'M GOING TO REST WITH THAT.

Mayor Wynn: OKAY. COUNCILMEMBER MCCRACKEN.

McCracken: I JUST HAD A COUPLE OF QUESTIONS FOR -- THAT WERE SPURRED BY WHAT MR. DUNCAN HAD TOLD US. MR. WALTERS, COULD YOU TELL US IS -- UNDER THE PLAN IS IT TRUE THAT MIXED USE IS PERMISSIVE RATHER THAN MANDATORY.

THAT IS CORRECT. PART OF THE DESIGN GUIDELINES DO CALL FOR CERTAIN DESIGNS ON THE GROUND FLOOR THAT MAKE SPACE CONVERTIBLE AT FUTURE DATE, BUT THERE'S A CONCERN THAT IF MIXED USE IS MANDATORY, IT MIGHT CREATE MORE DISINCENTIVE. AND IF THEY DON'T -- SO FAR THE HISTORY OF RENTING OUT MIXED USE IN AUSTIN HAS BEEN A LITTLE -- IT'S TAKEN SOME TO GET IT RENTED OUT. AND I THINK BY PROVIDING OR MANDATED FLEXIBLE DESIGN RATHER THAN MANDATING MIXED USE AS MARKET CONDITIONS CHANGE, THE INCENTIVES WILL BE THERE, THE AVAILABILITY, THE STRUCTURE WILL BE THERE, THE DESIGN IS ALREADY INCORPORATED, SO SPACE CAN BE EASILY CONVERTIBLE RATHER THAN EMPTY STOREFRONTS. AND I THINK THAT IS A CONCERN THAT HAS BEEN SHARED BY MANY IN THE COMMUNITY.

McCracken: DO YOU HAVE SOMETHING TO ADD TO THAT?

I WAS JUST HEARING ABOUT WALTERS AND I WANTED TO MAKE SURE THAT WE UNDERSTAND. AND THERE WAS SOME MISCOMMUNICATION AND MR. COTERA ASKED ME TO GET UP AND SPEAK AGAIN. IF YOU OPT IN, UNO IS AN OPT-IN PROGRAM. IF YOU OPT IN, YOU OPT IN TO THE DESIGN GUIDELINES. DESIGN GUIDELINE SAYS 20% PEDESTRIAN ORIENTED USE THAT'S ON THE GROUND FLOOR. NOW, THOSE PEDESTRIAN ORIENTED USES ALSO INCLUDE RESIDENTIAL, BUT THEY ALSO HAVE ALL THE COMMERCIAL USES AS WELL. SO IT IS MANDATORY IF YOU OPT IN UNDER UNO.

McCracken: I BELIEVE IN DOWNTOWN AND THEN FOR SOME OF OUR OTHER DEVELOPMENTS, WE HAVE REQUIRED SOME

SORT OF ACTIVE USE TO EITHER BE OFFICE OR RETAIL, BUT IT HAS TO BE AN ACTIVE VIEW Y2KVUE AS OPPOSED TO RESIDENTIAL. IS THAT RIGHT?

I CAN'T SPEAK TO THAT. GREG?

Mayor Wynn: WELCOME, MR. COTERA.

MY NAME IS JUAN COTERA. THERE'S A COUPLE OF THINGS. ONE IS THERE IS AN ORDINANCE, AN EXISTING ORDINANCE THAT DOES NOT ALLOW PARKING GARAGES. ON THE GROUND FLOOR DOWNTOWN. AND THERE HAS BEEN A RECORD OF GIVING WAIVERS TO THAT IN THE PAST, BUT IT'S STILL SOMETHING THAT CAN BE ENFORCED. THE DESIGN GUIDELINES FOR DOWNTOWN REQUIRE A PEDESTRIAN ORIENTED -- ACTUALLY REQUIRE RETAIL ON THE GROUND FLOOR. BUT I DON'T THINK THE DOWNTOWN DESIGN GUIDELINES ARE NOT AN ORDINANCE AT THIS POINT.

McCracken: I ALSO COULD SEE THERE COULD BE A SIGNIFICANT DIFFERENCE SAY BETWEEN 24TH OR GUADALUPE VERSUS, SAY, PEARL OR ONE OF THE LESS TRAVELED STREETS, AND THAT IF YOU DON'T HAVE SOME KIND OF REQUIREMENT OF SOME MINIMUM, EITHER OFFICE OR RETAIL THAT EVERYBODY MAY GO FOR THE QUICK HIT. MAYBE I'M WRONG ON THAT. MR. DUNCAN, CAN YOU SPEAK TO WHAT MARKETS HAPPEN?

I WANTED TO COMPLIMENT MR. COTERA AND HIS REPORT. THEY ACTUALLY PUT A PHOTOGRAPH OF A BUILDING THAT HAS A SIGNIFICANCE IN MY CAREER. AND IT'S THE PARKING GARAGE THAT SOME OF YOU MAY KNOW BETWEEN FIRST AND SECOND OR CHAVEZ AND SECOND AND BRAZOS AND TRINITY. THAT BUILDING CAME IN FOR REVIEW WHENEVER I WAS DIRECTOR OF LAND DEVELOPMENT SERVICES HERE IN 1985. MS. ARNOLD WILL RECALL AND SOME OF THE PLANNING COMMISSIONERS. WE DID NOT HAVE THE REQUIREMENT OF FIRST FLOOR RETAIL, BUT WE MANDATED THAT IN THAT LOCATION BECAUSE WE KNEW SOMETIME IN THE FUTURE AND NOW IT'S BEEN 20 YEARS, THAT THAT WAS GOING TO BE IN THE CENTRAL AREA OF HOTELS AND RESTAURANTS AND EVERYTHING ELSE. AND YOU HAVE A PHOTOGRAPH OF IT HERE AS BEING AN EXAMPLE OF WHAT

WE SHOULD DO. I UNDERSTAND THAT -- WHAT MIKE IS UP AGAINST. PEOPLE SAY I'M NOT GOING TO BE ABLE TO LEASE IT. I SAW IN ONE ARTICLE HE WAS USING THE NOCONA AS AN EXAMPLE. THAT'S NOT A GOOD EXAMPLE. THEY PUT IN THE SHOPS, THERE'S NOT PEDESTRIAN TRAFFIC ON LAMAR AND NINTH THAT THERE IS IN THE UNIVERSITY AREA. AND I THINK THIS IS A PERFECT EXAMPLE WHICH YOU SHOULD MANDATE RETAIL AND OFFICE, BUT NOT RESIDENTIAL ON THE FIRST FLOOR. MR. COTERA IS RIGHT, HIS GUIDELINES GET CLOSER TO IT, BUT THAT IS PART OF WHAT I CALL THE DISCONNECT BETWEEN THE GUIDELINES AND THE ORDINANCE. THE ORDINANCE DOESN'T MANDATE IT. IT'S TOTALLY PERMISSIVE AND STAFF WILL NOT BE ABLE TO ENCOURAGE IT AND YOU WILL NOT GET IT.

McCracken: I WANTED TO ASK ONE -- I AM VERY CONCERNED. SINCE WE'VE DONE THIS IN OTHER PARTS OF THE CITY AND REQUIRED SOME SORT OF ACTIVE USE, THAT WE WOULD ACTUALLY HAVE A LESSER REQUIREMENT IN THE CAMPUS AREA EVEN THOUGH THERE WILL BE A WHOLE LOT MORE PEDESTRIAN TRAFFIC. AND PERHAPS WHAT WE COULD DO, THE 20%, AT LEAST INTUITIVELY, SEEMS LIKE A PRETTY MINOR PERCENTAGE FOR GROUND FLOOR TOTAL SPACE. AND WE NEED TO MAKE SURE THAT WE'RE SEEING OUR -- MARK, DID YOU HAVE A COMMENT?

IT'S NOT 20% JUST THE GROUND FLOOR, IT'S 20% TOTAL COMMERCIAL USES THAT ARE NOT ACCESSORY TO THE MANAGEMENT OR THE -- AND RUNNING OF THE BUILDING ITSELF. SO THE RENTAL OFFICE WOULDN'T BE PART OF THAT 20%. AND THAT NUMBER WAS PICKED TO MAKE SURE THAT WE DIDN'T HAVE OFFICE TOWERS POPPING UP IN WEST CAMPUS, BUT THAT THIS WOULD BE PRIMARILY A RESIDENTIAL DISTRICT WITH LOCAL SERVING RETAIL. AND THEN THAT WAS THE REASON FOR THE 20%, BUT OF THE TOTAL -- OUT OF A 100,000 SQUARE FOOT PROJECT, 20,000 COULD BE COMMERCIAL.

McCracken: OKAY. YEAH, MAYBE THERE'S A MIDDLE GROUND HERE. DO WE HAVE PERHAPS A PHASE IN, BUT I'M CONCERNED THAT EVERYBODY WHO WOULD BUILD THESE THINGS WOULD KNOW, MAN, I'VE GOT A GUARANTEED MARKET. I COULD SELL EVERY APARTMENT I COULD

POSSIBLY BUILD, INCLUDING I'LL JUST MAKE IT EASY DOING THE GROUND FLOOR AND IT WILL NEVER CHANGE. BUT WE'RE PROVIDING PEOPLE WITH SOME REALLY VALUABLE PROPERTY RIGHTS. WE ARE WILDLY INCREASING THE PROPERTY VALUE FOR A LOT OF FOLKS. AND I THINK WITH THAT COMES A RESPONSIBILITY TO TO THE BIGGER PICTURE OF WHAT WE'RE TRYING TO ACHIEVE IN THIS NEIGHBORHOOD. SO I HOPE THAT WE -- IN THE WEEK OR TWO THAT WE HAVE OFF HERE UNTIL WE COME BACK THAT WE CAN LOOK AT THE MIDDLE GROUND OF HAVING AT LEAST SOME INITIAL REQUIREMENT FOR ACTIVE USE. I KNOW WE CAN'T REQUIRE IT, BUT ACTIVELY OFFICE OR OFFICE OR RETAIL. MY FINAL QUESTION IS THIS FROM WHAT MR. DUNCAN MENTIONED ALSO IS THE ISSUE WITH THE SIDEWALKS. IS IT CORRECT THAT THE SIDEWALKS WOULD ONLY BE SEVEN FEET WIDE?

THAT IS INCORRECT, COUNCILMEMBER. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

WE ARE GOING TO HAVE TO LOOK INTO THAT TO CLARIFY IT AT THIS TIME.

THAT BEING -- HOW IS THAT IS -- IF YOU COMPARE TO THIS 6 AND CONGRESS, THIS IS GROUND ZERO IN WEST CAMPUS, MY EXPECTATION 7 FEET WOULD NOT DO THE TRICK. WHAT - - WHAT INCENTIVES OR PROVISIONS DO WE HAVE TO ACTUALLY -- TO ACTUALLY INCLUDE WIDER SIDEWALKS IN AREAS, YOU KNOW, LIKE SOME -- THE PHOTOS HAVE BEEN SHOWN, MAYBE MR. COTERAS CAN SPEAK TO THAT, SOME OF THE PLACES CAN WE GET --

IT'S 12 FEET. IT ISN'T SEVEN FEET.

IT'S 12 FEET UP FROM GUADALUPE TO RIO GRANDE ON THE 24th STREET ON BOTH SIDES?

THAT'S CORRECT.

THE WAY THE ORDINANCE IS WRITTEN, IT NEEDS TO BE STRAIGHTENED OUT, THAT WOULD CLARE TIE THAT.

CLARIFY SOMETHING THAT WE ALL AGREE ON. WE ARE ALL

12 FEET.

SOUNDS LIKE A CONSENSUS.

IS THERE -- IS THERE -- CAN YOU TELL ME WHAT THE PROVISION IS FOR DOING SOMETHING WIDER THAN 12, IF WE WANTED TO GO UP TO 24 LIKE THE PHOTOS HAVE SHOWN?

THE WAY THAT THE ORDINANCE IS STRUCTURED IS THAT WE ESTABLISH A BILLED TO LINE THAT -- THAT THE BLIND STARTS AT THE FRONT CURB FACE AND EXTENDS 12 FEET TOWARDS THE PROPERTY LINE. IF FOR WHATEVER REASON SAY THAT 12-FOOT LINE FALLS WITHIN THE PUBLIC RIGHT-OF-WAY, THAT YOU COULDN'T BEGIN YOUR BUILDING UNTIL YOU REACH THE PROPERTY LINE. SO THAT WOULD -- YOU WOULD MORE THAN LIKELY SEE THE SIDEWALKS EXTENDED AT THAT POINT TO -- TO -- YOU WOULDN'T WANT A -- A TWO-FOOT GRASS STRIP, OR YOU MAY PUT A PLANTER IN FRONT OF IT. THE WAY WE FIGURED THAT 12 FEET WOULD FALL REALLY CLOSE TO THE PROPERTY LINE. ALSO THE 12 FEET IS ALSO IMPORTANT BECAUSE THAT IS THE MINIMUM -- THE MINIMUM SPACE NEEDED SO THAT WHEN TREES AS THEY START REACHING MATURITY WILL HAVE A CONCANOPY THAT ISN'T COMPRESSED AGAINST THE BUILDING, HAVE A CHANCE TO AT LEAST GROW AND PROVIDE THE SHADE THAT THEY ARE MEANT TO DO.

I'M ACTUALLY TALKING ABOUT MAKING THEM WIDER. I UNDERSTAND THE PROBLEM MAKING THEM NARROWER, THE TREES. IS THERE ANYTHING THAT WOULD -- THAT PROVIDES SOME OPPORTUNITY TO MAKE THE SIDEWALKS WIDER. ARE WE ACTUALLY PUTTING BARRIERS UP TO MAKE THAT HAPPEN?

WE ARE NOT DISINCENTING THEM MORE THAN WE ARE INCENTING THEM. 12 FEET HE IS THE MINIMUM. IF YOU NEED TO, I -- I REALLY DON'T KNOW HOW TO ANSWER THAT RIGHT NOW. THERE ISN'T A DISINCENTIVE LET'S PUT IT THAT WAY EXPRESSLY WRITTEN INTO THE ORDINANCE.

OKAY.

THANK YOU ALL VERY MUCH.

McCracken: I WANTED TO THANK COUNCILMEMBER SLUSHER. THIS IS AN INCREDIBLE IMPORTANT THING THAT WE ARE DOING. AND SO WE WANT TO MAKE SURE THAT WE GET IT RIGHT. SO I REALLY APPRECIATE YOU MAKING US SIT DOWN AND TALK IT OVER ONE MORE TIME.

COUNCIL, LET ME JUST -- SAY ONE THING. GREG GUERNSEY, NEIGHBORHOOD PLANNING AND ZONING. DON'T LOSE THE FACT THAT UNO IS JUST A TOOL TO IMPLEMENT THE PLAN. THAT THE DOWN ZONINGS WE HAVE BEEN TALKING ABOUT, UP ZONINGS WE HAVE BEEN TALKING ABOUT AND UNO ITSELF IS JUST A TOOL TO IMPLEMENT THE PLAN. THERE'S A LOT MORE TO THE NEIGHBORHOOD PLAN, TALKING ABOUT ADJACENT LAND USES, INFRASTRUCTURE, STREET INFRASTRUCTURE, COMPATIBILITY, THE DISCUSSION IN THE NEIGHBORHOOD PLAN. SO DON'T LOSE THAT FACT. THAT UNO IS JUST ONE PART OF THIS. I THINK EVERYBODY IS CONCENTRATING ON THE HEIGHTS MOVING THIS WAY OR THAT WAY. BUT THIS IS REALLY JUST ONE OF THE TOOLS TO IMPLEMENT THE PLAN, YOU KNOW, THAT HAD GONE ON FOR MONTHS, MONTHS, MONTHS, I WANTED TO PUT THAT OUT THERE.

McCracken: I THINK THE [INDISCERNIBLE] RADICAL CHANGE PORTION OF THE PLAN.

ONE PART TO IMPLEMENT THE PLAN.

Mayor Wynn: COUNCILMEMBER DUNKERLY IN.

Dunkerly: TALK ABOUT THINGS LIKE PARKING AGAIN, BUT I WANT TO MAKE SURE THAT I UNDERSTAND VARIOUS PARKING COMPONENTS OF THE TOOL OF UNO. I THINK THAT MOST OF THE -- OF THE PARKING CHANGES OCCUR WITHIN THAT OPT-IN AREA, IF I'M CORRECT. AND -- AND I WANT TO KNOW IF I'VE AT LEAST IDENTIFIED ALL OF THEM. I WILL GO BACK AND STUDY THEM LATER, BUT -- BUT THERE ARE DIFFERENT PARKING RATES FOR COMMERCIAL AND RESIDENTIAL USES OF 80% OF THE STANDARD RATES THAT WERE STAFF RECOMMENDATION. THE PLANNING COMMISSION HAD ONE THAT WAS 60% OF THE STANDARD

AND THAT IN BOTH OF THOSE YOU COULD GET A REDUCTION IF YOU HAD A CAR SHARING PROGRAM, ABOUT A 20% REDUCTION. THEN I THINK YOU ALSO MENTIONED THERE WERE PARKING EXEMPTIONS ALONG GUADALUPE AND MLK WITH THE SMALL BUSINESS THINGS. THEN WE HAVE THE PARKING EXEMPTIONS RELATED TO AFFORDABLE HOUSING ALSO INCLUDED IN THE UNO. ARE THOSE THREE THINGS, THE MAIN THREE PARKING ELEMENTS IN UNO.

I THINK YOU ARE RIGHT A TARGET. THIS HAS BEEN A VERY DYNAMIC RECOMMENDATION AS THINGS HAVE CHANGED IN THE LAST FEW WEEKS.

WHAT IS THE STAFF RECOMMENDATION RIGHT NOW. I'LL TRYING TO READ A MEMO THAT YOU ALL SPENT OUT AND --

THE STAFF RECOMMENDATION INITIALLY WAS 80% FOR RESIDENTIAL AND 80% FOR COMMERCIAL AS WELL. IT DID PROVIDE FOR EXEMPTIONS UP TO 6,000 SQUARE FEET OF ANY COMMERCIAL USE ANYWHERE WITHIN THE -- WITHIN THE UNO AREA. SO FOR MOST SMALL BUSINESSES AND SMALL DEVELOPMENT, THEY WOULD BE EXEMPTING -- EXEMPTED FROM PARKING BECAUSE IT WOULD BE LESS THAN 6,000 SQUARE FEET. BUT IT DID RETAIN 80% REQUIREMENT FOR BOTH RESIDENTIAL AND COMMERCIAL. BETWEEN AFFORDABILITY AND HOUSING, THE QUESTION WAS POPEED. IF WE PROPOSE THIS AFFORDABILITY PORTION OF THE ORDINANCE, CAN WE REDUCE THE PARKING DOWN TO 20%. WITH THAT IN LIEU OF DOING CAR SHARE, WE SUPPORTED THAT -- THAT PROPOSAL. WE FEEL LIKE IT'S MORE IMPORTANT TO HAVE SOMETHING THAT'S VERY SPECIFIC AND PREDICTABLE THAT WE CAN RELY ON AS OPPOSED TO SOMETHING THAT'S --

Dunkerly: I DID GET A NOTE THAT THE PRESIDENT OF THE U.T. STUDENT BODY, IS HE STILL HERE? A NOTE THAT YOU WANTED TO MAKE A COMMENT ABOUT THE PARKING?

REAL QUICK, JOHN WRIGHT HERE. A QUOTE FROM THE DAILY TEXAN, I WANTED TO CLEAR THAT UP. I WAS MISQUOTED AND AN INDIRECT QUOTE AND SAYING THAT STUDENTS NEED CARS TO LIVE PRODUCTIVE LIVES. THAT WAS NOT WHAT I SAID. [LAUGHTER] AND THAT'S NOT WHAT I MEANT. I

THINK EVERYONE KNOWS THAT. ONE OF THE FIRING LINES OF THE PEOPLE THAT WROTE IN, ONE OF THE STAFF MEMBERS THAT WORKS A LOT WITH BUSES, SO SHE FOUND IT VERY OFFENSIVE, WHICH I DON'T -- I MEAN, I WOULD, TOO. ANOTHER STUDENT ALSO FOUND IT VERY OFFENSIVE. SO BASICALLY WHAT I MEANT TO SAY WAS OR WHAT I DID SAY, ACTUALLY, WAS MANY STUDENTS DO USE THEIR CARS, MANY, MANY STUDENTS USE THEIR CARS, SOME STUDENTS DON'T NEED CARS. WHEN YOU ARE GOING TO CLASS, YOU DON'T NEED A CAR. YOU WALK TO CLASS. I MEAN, WEST CAMPUS IS A PEDESTRIAN AREA RIGHT NOW. WHEN YOU NEED TO GO TO THE GROCERY STORE, THERE'S ONLY ONE GROCERY STORE OVER THERE OTHER THAN LIKE 7/11 WHICH STUDENTS CAN'T USE, WHICH IS H.E.B. AND THE HANCOCK CENTER. THAT'S OUR CLOSEST GROCERY STORE. YOU HAVE TO FIND A BUS, TAKE YOUR GROCERIES BACK. ALSO IF YOU LIVE IN SMALL TOWN TEXAS, ANY SMALL TOWN TEXAS, THERE'S NOT AN AIRLINE, A BUS, NO WAY TO GET HOME EXCEPT BY CAR. WE'VE HAD OVER 200 NEW HIGH SCHOOLS REPRESENTED AT THE UNIVERSITY IN THE PAST COUPLE OF YEARS. MOST OF THOSE COME FROM SMALL TOWN THAT'S AREN'T ACCESSIBLE EXCEPT BY CAR. THAT'S A REAL BIG PROBLEM THAT WE ARE FACING. ANOTHER BIG THING IS I KNOW A TON OF STUDENTS THAT WORK IN MANY PLACES THAT BUSES DON'T GO TO AND THE BICYCLES WON'T TAKE THEM, THEIR FEET WON'T TAKE THEM. WHETHER BABYSITTING OR PRETTY MUCH ANYWHERE THAT YOU -- THAT YOU ARE WORKING YOU PROBABLY NEED TO -- NEED A CAR, UNFORTUNATELY. SO MANY, MANY STUDENTS ARE GOING TO NEED A CAR. SOME STUDENTS DON'T. SOME STUDENTS DON'T NEED CARS AT ALL, THAT'S GREAT, BECAUSE IF YOU HAVE AN ON CAMPUS JOB, IF YOU LIVE SOMEWHERE, WHERE A FRIEND CAN DRIVE YOU HOME OR A AN AIRLINE, BUS, WHATEVER ELSE, MANY, MANY STUDENTS THAT THEY HAVE TO HAVE THEIR CAR OR THEY CAN'T PAY FOR TUITION. THEY CAN'T MAKE IT HOME. SO WE REALLY WANT TO MAKE SURE THAT THE PARKING IS -- THE MOST IT CAN BE, OUR RECOMMENDATION WAS 80%. TO BEGIN WITH. SO LAST WEEK WHEN YOU SAW -- WE WERE DISAPPOINTED WHEN IT WENT DOWN. I HOPE THAT YOU CAN TAKE THIS INTO ACCOUNT, AS MUCH AS STUDENTS WOULD LOVE TO JUST NOT NEED THEIR CARS, ESPECIALLY WITH GAS PRICES

AS THEY ARE, I MEAN, THAT'S 30 BUCKS JUST TO FAILURE TANK, BUT WE WOULD LOVE TO SEE IT BE A PEDESTRIAN AREA BE ABLE TO WALK ANYWHERE THEY WANT TO GO OR TAKE A BICYCLE ANYWHERE THEY WANT TO GO. BUT THAT'S NOT A REALITY. THIS IS NOT NORMAL URBAN DEVELOPMENT. THIS IS A STUDENT URBAN DEVELOPMENT. PRETTY MUCH, I DON'T KNOW THE EXACT PERCENTAGES, BUT YOU ARE LOOKING OVER 10% STUDENTS. SO -- SO THIS IS THE WAY THAT STUDENTS LIVE THEIR LIVES AND I THINK THAT NEEDS TO BE CHECKED INTO. I THINK IT HAS BEEN THROUGHOUT THE ENTIRE PLAN AND THE PLAN IS VERY WELL PUT TOGETHER, BUT YOU ARE LOOKING AT RIVERSIDE VERSUS WEST CAMPUS. THEY CAN OFFER FREE PARKING. THEY CAN OFFER REALLY LOW, REALLY LOW RENT. LOOKING AT WEST CAMPUS, IF YOU ARE GOING TO -- I MEAN IF THERE'S NO PARKING OR YOU HAVE TO SCROUNGE AROUND FOR PARKING, THERE'S GOING TO BE A PROBLEM, STUDENTS AREN'T GOING TO BE MOVING TO WEST CAMPUS.

I'M GLAD YOU GOT YOUR MISQUOTE --

YES.

THANK YOU,.

Mayor Wynn: THANK YOU, COUNCILMEMBER DUNKERLY. COUNCIL, I THINK WE HAVE PLACED A NUMBER OF ISSUES BACK ON THE TABLE TO DISCUSS REGARDING THE UNION NO. THE DISCUSSION -- REGARDING THE UNIVERSITY NEIGHBORHOOD OVERLAY. A THREE WEEK POSTPONEMENT TO AUGUST 26th, 2004, I WILL ENTERTAIN A MOTION.

Slusher: SO MOVE. >

MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER MCCRACKEN TO POSTPONE ITEM NO. 47, UNIVERSITY NEIGHBORHOOD OVERLAY, UNTIL AUGUST 26th, 2004. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH

COUNCILMEMBER ALVAREZ OFF THE DAIS. COUNCIL, I'LL ENTERTAIN A MOTION TO WAIVE RULES AND GO PAST 10:00 P.M. [LAUGHTER]

MOVE.

SECOND.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCRACKEN TO WAIVE COUNCIL RULES TO GO PAST 10:00 P.M. ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0. MARES

Mayor Wynn: COUNCIL, I GUESS WE SHOULD NOW GO BACK TO THE NORTH UNIVERSITY NEIGHBORHOOD ZONING CASES.

MAYOR, COUNCILMEMBERS, TOM BOLT AGAIN WITH -- STILL WITH NEIGHBORHOOD PLANNING AND ZONING. ADDRESS CONTESTED TRACT. A.P.D., 843, EXISTING ZONING IS C.S., THE NEIGHBORHOOD PLAN IS PROPOSING G.R.-NCCD-N.P. THE PROPERTY OWNER IS REQUESTING THAT HE BE ABLE TO RETAIN HIS C.S. ZONING AND THERE IS A VALID PETITION ON THE PROPERTY. AND I CAN ANSWER QUESTIONS WITH REGARD TO THAT.

Mayor Wnn: QUESTIONS, COUNCIL, ON THE NORTH UNIVERSITY PLAN, TRACT A.P.D. 843. 3004 FRUTH STREET.

Mayor Wynn: QUESTIONS, IF NOT I'LL ENTERTAIN A MOTION. AGAIN THE STAFF RECOMMENDATION IS TO TAKE ALL OF THESE ON SECOND READING ONLY.

YES.

McCracken: I WILL MOVE APPROVAL OF STAFF RECOMMENDATION, NEIGHBORHOOD PLAN.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE NEIGHBORHOOD PLAN STAFF RECOMMENDATION OF G.R.-NCCD-N.P., SAME AS WHAT THE

PLANNING COMMISSION APPROVED ON FIRST READING ON SECOND READING ONLY SECONDED BY COUNCILMEMBER DUNKERLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER ALVAREZ OFF THE DAIS.

THE NEXT TRACT IS A.P.D. 862 A. LOCATED AT 2815 FRUTH STREET. THE -- THE CURRENT ZONING IS C.S. THE PROPOSED ZONING IS C.S. NCCD N.P. THE PROPERTY OWNER IS WISHING TO RETAIN HIS C.S. ZONING. I WOULD -- I WOULD BE LED TO BELIEVE WITHOUT THE NCCD I DON'T HAVE CLEARANCE OR NOT SURE THAT I UNDERSTAND IT.

Mayor Wynn: QUESTIONS. I WILL ENTERTAIN A MOTION.

Mayor Wynn: TRACT A.P.D. 862 A.

YES. LOCATED IN THE ADAMS PARK DISTRICT.

Thomas: MAKE A MOTION TO APPROVE THE NEIGHBORHOOD AND STAFF PLANNING, C.S.-NCCD-N.P.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS TO APPROVE ON SECOND READING ONLY.

Slusher: I DID HAVE A QUESTION ON THAT ONE.

Mayor Wynn: COUNCILMEMBER, LET ME GET A SECOND ON THAT AND THEN DISCUSSION. C.S. NCCD N.P. SAME AS APPROVED BY PLANNING COMMISSION ON FIRST READING, SECONDED BY THE MAYOR PRO TEM. THANK YOU.

Slusher: IT SAYS THE OWNER TO BE IN PART OF TWO DISTRICTS, THAT WOULD BE THE NCCD AND ADAMS PARK DISTRICT?

THE TWO DISTRICTS ARE BOTH LOCATED WITHIN THE NORTH UNIVERSITY NEIGHBORHOOD PLAN. THE ADAMS PARK DISTRICT IS AN AREA THAT'S BEEN SET ASIDE AROUND THE

PARK WHICH IS -- WHICH IS DESIGNED TO PROMOTE PEDESTRIAN ORIENTED USES THAT -- THAT WILL COMPLIMENT THE PARK. THE -- THE BALANCE OF HIS PROPERTIES ON THE GUADALUPE DISTRICT WHICH IS MUCH MORE PERMISSIBLE WITH BOTH BUILDING HEIGHT AND USES, IT'S CONCEIVABLE THEY COULD ACHIEVE THOSE WITHIN THE PARK DISTRICT AND STILL IN THE BALANCE OF ANY INSTRUCTIONS LOCATED IN GUADALUPE.

THE TWO TRACTS TOGETHER, 19,938 I HAVE.

THEY DON'T OVERLAP. THE DISTRICT'S DON'T OVERLAP. THE SIZE OF THE PROPERTY. WHAT WE TRIED TO DO WAS REPLICATE WHAT WAS DONE WITH THE VILLAS PROPERTY, IMMEDIATELY EAST. BY ESTABLISHING A SETBACK WITH A HEIGHT OF 40 FEET. AND FACING THE PARK. SO AGAIN -- AGAIN ON THIS PROPERTY JUST ACROSS THE ALLEY TO THE WEST WE HAVE USED THAT SAME DIMENSION BACK, INCLUDED PEDESTRIAN ORIENTED USES AND LIMITED THE HEIGHT TO 40 FEET. ON THAT SAME PIECE OF PROPERTY, IT'S CONCEIVABLE THE OWNER CAN DEVELOP UP TO 70 FEET IN HEIGHT. AGAIN WE ARE TRYING TO ORIENT SOME STRUCTURE, BUILD THEM TOWARDS THE PARK ON THE FRONT PIECE OF THAT PROPERTY AND THE BALANCE OF -- OF THE TRACT WHICH IS CLOSER TO GUADALUPE.

SO HE'S GOT 70 FEET ON ONE PART OF THE PROPERTY, THE NEIGHBORHOOD ORGANIZATION IS IN AGREEMENT WITH THAT?

YES.

OKAY. FURTHER COMMENTS? MOTION AND SECOND ON THE TABLE TO APPROVE THE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION ON TRACT 862 A. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON SECOND READING ONLY 7-0. TRACT GDS 716 IS THE BALANCE OF THAT SAME PROPERTY WE JUST TALKED ABOUT. CURRENT ZONING IS C.S., WE ARE LOOKING AT -- AT C.S. NCCD N.P. AS

RECOMMENDED BY THE PLANNING COMMISSION AND STAFF.

Mayor Wynn: I'LL ENTERTAIN A MOTION.

Dunkerly: I WILL MOVE APPROVAL OF THE PLANNING AND STAFF RECOMMEND RECOMMENDATION ON SECOND READING.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION, C.S.-NCCD-N.P. ON SECOND READING TRACT GDS 716. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

TRACT RDE 797, LOCATED AT 307 EAST 35th STREET, WE DO NOT HAVE A VALID PETITION. THE -- THE EXISTING ZONING IS S.F. THE PROPOSED ZONING IS S.F. 3. NCCD N.P. THE LETTER THAT I RECEIVED JUST INDICATED A DESIRE NOT TO PARTICIPATE IN THE PLAN.

Mayor Wynn: OTHERWISE ZONING TECHNICALLY IS THE SAME.

PRETTY MUCH, YEAH.

Mayor Wynn: I WILL ENTERTAIN A MOTION.

Dunkerly: I WILL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION ON -- ON TRACT RDE 797.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY. SECONDED BY COUNCILMEMBER THOMAS TO APPROVE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION, S.F. 3 NCCD N.P. ON SECOND READING ONLY, TRACT RDE 797. FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT IS PART OF TRACT RDW 739 A LOCATED AT 405 WEST 35th STREET. WE HAVE A CURRENT USE OF SINGLE FAMILY. THE CURRENT ZONING IS M.F. 4. PLANNING COMMISSION AND STAFF HAS RECOMMENDED S.F. 3 NCCD N.P., THE PROPERTY OWNER IS WISHING TO RETAIN THE M.F. 4 DESIGNATION.

QUESTIONS, COMMENTS?

A MOTION ON -- ON THIS ITEM?

Slusher: MOVE APPROVAL. OF THE STAFF AND NEIGHBORHOOD PLAN RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER.

McCracken: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE NEIGHBORHOOD PLANNING STAFF RECOMMENDATION ON SECOND READING ON THE PART OF TRACT RDW 39 A. COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT WE HAVE TRACT RDW 748 A LOCATED AT 3405 CEDAR STREET, THIS IS A -- A TRACT CURRENTLY HAS EXISTING ZONING OF M.F. 3. THE PROPOSED ZONING IS S.F. 3 NCCD N.P. THE PROPERTY OWNER IS RECOMMENDING -- I THINK THERE MAY BE A TYPO HERE, BUT HOLDING UNDER THE M.F. 3. I WOULD BE HAPPY TO CLEAR THAT UP BEFORE THIRD READING.

AGAIN, THE ADDRESS FOR THIS TRACT IS ACTUALLY --

ON CEDAR.

Mayor Wynn: QUESTIONS, COMMENTS? OKAY. THE MOTION?

Slusher: THIS IS THE ONE THAT'S LISTED AT 3405 DUVAL,
THAT'S ACTUALLY ON CEDAR?

Mayor Wynn: CORRECT, YES. 3405 CEDAR.

RIGHT, THIS IS THE ONE THAT I MENTIONED A BIT AGO THAT I
HAD MADE AN ERROR ON THE STREET NAME.

I WILL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN
STAFF RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER
MCCRACKEN, SECONDED BY COUNCILMEMBER SLUSHER TO
APPROVE THE NEIGHBORHOOD PLANNING STAFF
RECOMMENDATION OF S.F. 3 NCCD N.P. ON SECOND
READING, TRACT RDW 748 A, WHICH IS 3405 CEDAR.
FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR
PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT WE HAVE TRACT SD 874, LOCATED AT 34103410 AND
3412 SPEEDWAY. THE CURRENT ZONING IS M.F. 4. THE
PLANNING COMMISSION AND STAFF RECOMMENDATION IS
FOR M.F. 1 NCCD N.P. THE PROPERTY OWNER IS
REQUESTING TO RETAIN HIS M.F. 4 AND WE DO HAVE A VALID
PETITION.

Mayor Wynn: QUESTIONS, COMMENTS?

Slusher: I HAVE A QUESTION. WHAT'S THE -- WHAT'S THE
ZONING ON EACH SIDE OF THIS AND GENERAL AREA?

TO THE NORTH IS M.F. 1 PROPOSED AND TO THE SOUTH IS
M.F. 4. IT LOCATED ON SPEEDWAY, JUST SOUTH I THINK OF
35 STREET. 35th STREET.

Slusher: THAT'S MY ONLY QUESTION. LET ME LOOK AT THIS A

LITTLE BIT.

Dunkerly: I WILL MOVE APPROVAL OF NEIGHBORHOOD AND STAFF RECOMMENDATION.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY, SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION OF M.F. 1 NCCD N.P. ON SECOND READING ONLY FOR TRACT SD 874. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

NEXT WE HAVE TRACT SD 880 LOCATED AT 3108 HELMS STREET, THE EXISTING ZONING IS C.S., PROPOSED ZONING APPROVED BY BOTH PLANNING COMMISSION AND RECOMMENDED BY STAFF IS FOR KNOW-NCCD-N.P. NO. THE PROPERTY OWNER IS REQUESTING RETENTION OF THE C.S. ZONING AND THERE IS A VALID PETITION.

Mayor Wynn: QUESTIONS, COUNCIL?

McCracken: COUNCILMEMBER! DON'T SEEWHAT THE CURRENT USE IS.

MIXED USE, OFFICES THERE MAY BE SMALL RETAIL THERE. THESE ARE HOUSES THAT HAVE BEEN CONVERTED INTO COMMERCIAL USES.

McCracken: WHERE ON THE MAP IS THIS? OH, YEAH, ON SPEEDWAY?

YES.

IT'S A HOUSE.

WE BELIEVE THIS --

IT'S A HOUSE.

SINGLE FAMILY.

RESIDENTIAL. IT'S A SINGLE FAMILY.

THAT IS CURRENTLY A HOUSE?

YES, IT'S ON A VERY SMALL LOT AND APPEARS TO HAVE A RESIDENTIAL USE. IT DOESN'T FACE SPEEDWAY. IT FACES HELMS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? I'LL ENTERTAIN A MOTION.

Dunkerly: CAN I ASK ONE MORE QUESTION?

Mayor Wynn: COUNCILMEMBER DUNKERLY?

Dunkerly: THE N.O. ZONING THAT THE NEIGHBORHOOD PLAN AND STAFF ARE RECOMMENDING, NEIGHBORHOOD OFFICE, FROM WHATEVER USE IS THERE NOW, IS AT LEAST COMPATIBLE WITH THAT, ISN'T IT?

IF IT'S A SINGLE FAMILY HOME RIGHT NOW, IT'S PROBABLY COMPATIBLE.

Dunkerly: IT DIDN'T HAVE A BUSINESS USE AS FAR AS YOU CAN TELL.

AND TO THE NORTH OF IT IS MULTI-FAMILY, TO THE SOUTH OF IT WOULD BE C.S.

Dunkerly: I WOULD MOVE APPROVAL OF THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION OF ON N.O.-NCCD-N.P.

Alvarez: I THINK --

ACTUALLY -- OKAY, I'M SORRY.

EXCUSE ME.

CAN YOU TELL ME WHAT THE USE IS.

YES, MA'AM.

Dunkerly: WHY YOU ARE ASKING FOR C.S.

IT IS PRESENTLY C.S. WE HAVE A MULTI-FAMILY PROJECT TO THE NORTH, WHICH IS FOUR STORIES VIRTUALLY. IT'S ONE STORY OF RETAINING WALL AND THEN A -- THEN A PARKING LEVEL AND THEN A COUPLE OF FLOORS ABOVE THAT. THEN ON THE SOUTH SIDE OF THE PROPERTY IS A THREE STORY APARTMENT PRONG, THE FIRST FLOOR IS PARKING, TWO FLOORS OF APARTMENT ABOVE IT. THEN ACROSS THE STREET IS A -- IS A VERY DENSE CONDO PROJECT, THERE'S NO PARKING WHATSOEVER ON THAT -- ON THAT SECTION OF HELMS BECAUSE OF ITS CLOSE PROXIMITY TO THE UNIVERSITY. SO IF YOU PUT N.O. ON THAT PROPERTY, THERE'S ABSOLUTELY NO WAY TO -- THAT I CAN DO THE PARKING REQUIREMENTS OF N.O. AND THAT'S WHY C.S. IS IMPORTANT BECAUSE OF THE 95% IMPERVIOUS COVER WHICH WILL ENABLE US TO USE THE LOT FOR ANYTHING OTHER THAN A RESIDENTIAL RENTAL PROPERTY BETWEEN A FOUR AND A THREE STORY APARTMENT BUILDING. THAT'S -- THAT'S BASICALLY THE REASON. UNFORTUNATELY WE LOST THE CHANCE TO SELL IT ON THE FIRST TIME AND SECOND TIME, RIGHT NOW IT'S BEING USED AS A RENTAL PROPERTY AND THE BEST USE OF THAT OR -- THAT WOULD ENABLE US TO DO ANYTHING OTHER THAN THAT, IS COMMERCIAL. BECAUSE OF THE IMPERVIOUS COVER. IT'S VERY HARD TO SELL IT AS A -- AS A RESIDENCE TO AN OWNER IN BETWEEN THOSE TWO LARGE APARTMENT COMPLEXES. AND THERE'S - - THERE'S NOTHING ELSE IN BETWEEN US AND THE APARTMENTS ON EITHER SIDE OR ACROSS THE STREET.

I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER ALVAREZ -- MCCRACKEN.

McCracken: HAS THERE BEEN ANY DISCUSSION WITH THE NEIGHBORHOOD AND STAFF AND THE PROPERTY OWNERS TO -- ABOUT WHAT MIGHT BE COMPATIBLE USES OR WHETHER THERE WOULD ACTUALLY -- IF THE AREA HAD A MARKET FOR RETAIL? I JUST DON'T KNOW.

WE BECAME AWARE OF THE PETITION ON THIS PROPERTY NOT ALL THAT LONG AGO. OF COURSE, YOU KNOW, WE HAVE BEEN IN DISCUSSIONS WITH NEIGHBORHOOD AND

REPRESENTATIVES FOR -- FOR A COUPLE OF YEARS, I KNOW MR. AARON HAS BEEN PRESENT AT SOME OF THE MEETINGS. BUT I WAS UNAWARE THAT THERE WAS -- THAT THERE WAS AN ISSUE WITH THE ZONING UNTIL WE GOT THE PETITION. WHICH WE HAVE VALIDATED.

YOU HAVE -- I'M SORRY.

MARY GAY MAXWELL. I'M CO-PRESIDENT OF THE NORTH UNIVERSITY NEIGHBORHOOD ASSOCIATION. WE WOULD BE HAPPY TO MEET WITH MR. AARON AND TRY TO WORK THIS OUT WITH HIP. THAT'S BEEN OUR -- WORK THIS OUT WITH HIM. THAT'S BEEN OUR WHOLE WAY OF APPROACHING A SITUATION WHERE PROPERTY OWNERS WERE NOT HAPPY WITH THE ZONING. WE WOULD BE GLAD TO MEET WITH HIM BEFORE WE COME BACK AGAIN, TRY TO RESOLVE IT.

THANK YOU.

Dunkerly: I WOULD REALLY APPRECIATE THAT BECAUSE I HATE TO TRY TO ZONE SOMETHING WHERE SOMEONE CAN'T DEVELOP IT IN ANY WAY EXCEPT IN A WAY THAT'S REALLY NOT SUITABLE OR MAY NOT BE ECONOMICALLY FEASIBLE. SO I WOULD APPRECIATE IT IF YOU ALL WOULD SEE WHAT YOU CAN DO TO COME TO SOME KIND OF AGREEMENT THERE.

I WOULD ADD THAT THE PURPOSE FOR THE N.O. WASN'T TO BE SO PROHIBITIVE. BUT THE INTENT FOR N.O. DISTRICT'S IS TO PRESERVE THE STRUCTURES AND RENOVATE THEM SO WE LOOKED AT THAT TO PROMOTE RENOVATION.

Dunkerly: LET'S TAKE ANOTHER LOOK AT IT. IF IT'S REALLY SOUNDED BY THREE AND FOUR STORY MULTI-FAMILY UNITS, IT MAY NOT BE APPROPRIATE.

RIGHT.

Dunkerly: ON SECOND READING I WOULD PROPOSE THAT WE GO WITH THE -- WITH AT LEAST UNTIL WE GET THIS WORKED OUT, MAYBE GO WITH THE CURRENT C.S. AND THEN HOPEFULLY CAN GET SOMETHING ELSE.

SO --

Mayor Wynn: MOTION ON THE TABLE FOR COUNCILMEMBER DUNKERLY TO APPROVE ON SECOND READING ONLY C.S.

McCracken: I'LL SECOND.

Mayor Wynn: COUNCILMEMBER DUNKERLY WAS THAT SUGGESTED AS C.S.-NCCD?

WE WOULD HAVE TO CRAFT THE DEVELOPMENT REGULATIONS FOR NCCD, BUT WE CAN DO THAT. I CAN'T IMAGINE THAT THEY WOULD BE MUCH DIFFERENT THAN THE PROPERTY TO THE SOUTH.

Dunkerly: THE PURPOSE OF IT IS TO GIVE YOU AN OPPORTUNITY TO CRAFT THAT.

ALL RIGHT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER DUNKERLY TO APPROVE -- ON SECOND READING ONLY, C.S., THE INTENT OF THE NCCD, N.P., SECOND READING ONLY, TRACT SD 880. I'LL SECOND THAT. FURTHER COMMENTS?

Thomas: YOU ALREADY SECONDED THAT.

McCracken: DOESN'T MATTER.

Dunkerly: IT'S WELL SECONDED.

McCracken: IN ABUNDANCE.

Mayor Wynn: ALL OF THOSE IN FAVOR PLEASE SAY AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-20 ON SECOND READING ONLY.

THE LAST TRACT FOR THE NORTH UNIVERSITY AREA IS TRACT SD 884 D, LOCATED AT -- AT 30208, 206 EAST 30th STREET. THE CURRENT ZONING IS M.F. 4. PLANNING COMMISSION AND STAFF RECOMMENDED M.F. 4 NCCD N.P. THE OPENER IS REQUESTING -- THE OWNER IS REQUESTING

RETENTION OF HIS M.F. 4 ZONING AND THERE IS A VALID PETITION. AGAIN, TO REMIND COUNCIL, THE ONLY DIFFERENCE HERE IS THE ABILITY TO GO FROM 40 FEET TO -- OR 35 FEET TO 60 FEET.

Mayor Wynn: QUESTIONS, COMMENTS? I WILL ENTERTAIN A MOTION.

Alvarez: I WILL MOVE APPROVAL OF THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDATION ON THIS TRACT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER ALVAREZ,.

Thomas: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION OF M.F. 4 NCCD N.P., SECOND READING ONLY, TRACT SD 884 D. FURTHER -- FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THANK YOU.

THANK YOU.

GOOD EVENING, AGAIN, JACKIE SHUTTER WITH NEIGHBORHOOD PLANNING AND ZONING, THE LAST FEW CASES ARE IN THE HANCOCK NEIGHBORHOOD AREA. ON YOUR MOTION SHEET, 21, THE FIRST TWO ITEMS, 503 A, B ALREADY APPROVED ON SECOND READING, SO MOVING ON TO TRACTS 15 THROUGH 516, THIS IS 924 TO 926 EAST DEAN KEETON VET, ONLY THOSE TWO ADDRESSES. THE EXISTING USE IS MULTI-FAMILY. THE FUTURE LAND USE PLAN IS FOR MIXED USE. EXISTING ZONING IS G.O., GENERAL OFFICE, AND THE STAFF RECOMMENDATION IS GRF-M.U.-C.O./M.F. 6 C.O.-N.P. WITH COMMERCIAL MIXED USE ON THE GROUND FLOOR AND HIGH DENSITY MULTI-FAMILY ON THE UPPER FLOORS. ON FIRST READING COUNCIL APPROVED G.R.-M.U.-N.P. COMMERCIAL MIXED USE ZONING. SINCE THEN

NEIGHBORHOOD STAKEHOLDER AND THE PROPERTY OWNERS AGENT AND THE PROPERTY OWNER AND STAFF HAVE MET AND COME UP WITH THIS AT RECOMMENDATION. THERE'S NO PETITION, EVERYONE IS IN AGREEMENT.

Mayor Wynn: THAT TAKES ALL OF THE FUN OUT OF IT.

SORRY. [LAUGHTER]

Mayor Wynn: ALL RIGHT. QUESTIONS, COMMENTS?

McCracken: MOVE APPROVAL OF THE CONSENSUS POSITION.

MOTION MADE BY COUNCILMEMBER MCCRACKEN, BUT I'LL SECOND AND APPROVE THE -- APPROVE THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION, AMENDED RECOMMENDATION, ON TRACT 515, 516, ON SECOND READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THE NEXT TRACT IS TRACT 551, 506 EAST 40th STREET. THE CURRENT USE IS SINGLE FAMILY. THE FUTURE LAND USE PLAN, WOULD SHOW SINGLE FAMILY, BUT THE REVISED STAFF RECOMMENDATION AND NEIGHBORHOOD RECOMMENDATION IS FOR M.F. 2 C.O. N.P., AGAIN THIS COULD ACCOMMODATE AN EXISTING BUILDING PERMIT THAT'S BEEN ISSUED, ACTIVE, AND THE PROPERTY OWNER HAS REQUESTED THIS, THE NEIGHBORHOOD IS IN AGREEMENT. THE C.O. WOULD PROHIBIT ALL OF THE USES THAT ARE NOT ALLOWED IN S.F. 3.

Mayor Wynn: QUESTIONS -- GO AHEAD, QUESTIONS, COMMENTS? ANOTHER CONSENSUS RECOMMENDATION?

MOVE APPROVAL OF THE CONSENSUS.

MOTION MADE BY COUNCILMEMBER MCCRACKEN. I'LL SECOND. TO APPROVE THE NEIGHBORHOOD PLAN STAFF AMENDED RECOMMENDATION ON SECOND READING ONLY

TRACT 551. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THE NEXT PROPERTY IS TRACT 563, HALF OF THIS TRACT ACTUALLY, 4427 TO 4429 DUVAL. THE CURRENT USE IS A SERVICE STATION, CONVENIENCE STORE AND COIN LAUNDRY. ON FIRST READING COUNCIL APPROVED A LENGTHY CONDITIONAL OVERLAY AND SINCE THEN THE NEIGHBORHOOD AND PROPERTY OWNER HAVE MET SEVERAL TIMES AND TRIED TO REACH AN AGREEMENT ON A CONDITIONAL OVERLAY BUT WERE SUCCESSFUL. HOWEVER, THE STAFF HAS REVISED THE RECOMMENDATION TO MAKE A NUMBER OF USES THAT WOULD HAVE BEEN PROHIBITED NOW CONDITIONAL. THE PROPERTY OWNER WOULD LIKE TO HAVE THOSE USES, PROPERTY OWNER, AUTO REPAIR, SALES, DRIVE THROUGH USES PERMITTED OUTRIGHT APPRECIATERATHER THAN CONDITIONAL. THERE IS A PETITION ON THIS PROPERTY.

BY THE OWNER.

YES, BY THE OWNER.

QUESTIONS, COMMENTS, COUNCIL. TRACK 563. I'LL ENTERTAIN A MOTION. COUNCILMEMBER SLUSHER?

Slusher: WELL, THIS IS -- THIS IS THE SAME OWNER AS THE ONE AT 32nd AND LAMAR. I THOUGHT IT WAS APPROPRIATE THE COMPROMISE THAT WAS WORKED OUT THERE TO ALLOW SOME AUTOMOTIVE USES BUT TO ME THIS IS MORE SENSITIVE I GUESS FOR LACK OF A BETTER WORD. IT'S IN THE MIDDLE OF A RESIDENTIAL AREA. THERE'S A LOT OF PEDESTRIAN USE, IT'S NEAR THE -- IT'S NEAR SOME RESTAURANTS. SO I THINK THAT -- I THINK THAT -- I THINK THAT THE NEIGHBORHOOD PLAN, STAFF RECOMMENDATION, IS APPROPRIATE HERE. SO I WOULD MOVE APPROVAL OF THAT.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER, SECONDED BY THE MAYOR PRO TEM TO APPROVE THE

NEIGHBORHOOD PLAN STAFF RECOMMENDATION. C.S.-M.U.-
C.O.-N.P. WITH THE CONDITIONAL USES AND PROHIBITED
USES AS SHOWN ON OUR MOTION SHEET. SECOND READING
ONLY. TRACT 563.

Thomas: MAYOR, CAN I ASK A QUESTION TO THE
NEIGHBORHOOD? WHO IS REPRESENTING THE
NEIGHBORHOOD HERE? COULD YOU EXPLAIN WHY YOU
HAVE AUTO REPAIRS, WASHING, DRIVE THROUGH. WHY IS IT
THAT YOU ALL ARE NOT WILLING TO PUT THAT UNDER THE --
BECAUSE RIGHT ACROSS THE STREET THERE'S AN AUTO
REPAIR.

I'M MARK BIRCH, THE TREASURER OF THE HANCOCK
NEIGHBORHOOD ASSOCIATION.

Thomas: YES, SIR.

OUR CONCERN -- WE ARE AWARE THAT THE SERVICE
STATION FACILITY IS AT THE NORTH -- NORTHWEST CORNER,
WE ARE TALKING ABOUT THE SOUTHEAST. OUR CONCERN
WAS PRIMARILY WE DON'T INTEND TO PROHIBIT ANY OF
THESE USES. AND OUR REQUEST IS NOT THAT THOSE USES
BE PROHIBITED. OUR REQUEST IS THAT THEY BE MADE
CONDITIONAL. THE OWNER'S REPRESENTATIVE, MS. MEADE
WHOM WE HAVE MET WITH SEVERAL TIMES TOLD US THAT
THERE WERE NO CURRENT PLANS FOR IMPLEMENTATION OF
ANY TYPE OF SERVICE -- OF INCREASED DENSITY USE AT
THAT LOCATION. OUR MAJOR CONCERN WAS THAT -- THAT
DEPENDING UPON HOW A SERVICE STATION USE, FOR
EXAMPLE, OR AN AUTOMOBILE RENTAL OR REPAIR USE OR
SALES USE WAS IMPLEMENTED IT COULD HAVE A
SIGNIFICANT NEGATIVE IMPACT. FOR INSTANCE, THERE
CURRENTLY IS A SERVICE STATION USE AT THE SITE.
THERE'S ONE PUMP, WITH A FUELING STATION ON EITHER
SIDE, ACCESS TO THE SITE AND THROUGH THE SITE IT'S
POOR. 45th AND DUVAL IS A DIFFICULT SITE LINE, IT'S A
CROWDED INTERSECTION, THERE'S A BUS STOP THERE AND
THE ACCESS INTO THE COMMERCIAL PARCEL ITSELF IS
LIMITED. THERE ARE LIMITED CURB CUTS. WE WERE
CONCERNED THAT IF THERE WERE A -- IF WE ALLOWED SAY
A SERVICE STATION USE, THERE WERE A REDEVELOPMENT
PROPOSAL, THAT BROUGHT IN, YOU KNOW, A MULTI-PUMP

OPERATION WITH A SMALL KIOSK THAT THE TRAFFIC SITUATION WOULD REALLY BECOME PROBLEMATIC AND THAT THE PEDESTRIAN USES IN PARTICULAR WOULD BECOME IMPOSSIBLE. IF YOU EXIT THAT PARCEL ON TO 45th, YOU ARE GOING TO HAVE TO TURN RIGHT. ALMOST ALL THE TIME. AND ONCE YOU TURN RIGHT, YOUR NEXT -- YOUR NEXT WAY TO GET BACK TOWARD THE UNIVERSITY IS RED RIVER. OR YOU HAVE TO CUT DOWN EILERS OR I THINK IT'S KEASBY AND DRIVE ESSENTIALLY THROUGH THE MIDDLE OF A RESIDENTIAL NEIGHBORHOOD. SO THE EXISTING -- THE SERVICE STATION USE THAT YOU MENTIONED, A USE LIKE THAT, MIGHT BE APPROPRIATE FOR THIS SITE. AND ALL WE ASK FOR IS THAT IT BE MADE A CONDITIONAL USE SO THAT ANY PROPOSED DEVELOPMENT BE SUBJECT TO SOME SORT OF NEIGHBORHOOD COMMENT AND REVIEW.

AND WHAT -- I GUESS THAT I CAN ASK -- I CAN ASK MS. MEADE, WHAT WAS -- I GUESS THE OWNER THAT YOU WERE REPRESENTING WAS -- WAS HERE. COULD YOU ELABORATE WHY THE OWNER WANTED THESE CONDITIONS? I ASSUME IF -- IF -- WE ARE KIND OF RESTRICTED SO WHAT HE MIGHT WANT TO DO, WHOEVER HE MIGHT WANT TO SELL IT TO.

COUNCILMEMBER THOMAS, I THINK THAT'S RIGHT. THIS IS A LOCAL BUSINESS, B AND S ENTERPRISES, THIS IS THEIR BUSINESS, THEY DO GAS STATIONS, AUTO REPAIR, AUTO RENTAL. THAT'S THEIR BUSINESS, WHAT THEY DO, ALL THAT THEY DO. SO REDEVELOPMENT OF THE SITE WOULD MEAN EITHER THAT THEY CLOSE THEIR BUSINESS, RENT IT TO SOMEBODY ELSE OR SELL IT TO SOMEBODY ELSE AND DO SOMETHING COMPLETELY DIFFERENT. NO THAT THAT'S -- NOT THAT THAT'S UNHEARD OF OR OUT OF THE QUESTION, BUT THAT'S NOT WHAT THEY BROUGHT THE SITE TO DO AND --- BOUGHT THE SITE TO DO AND WHAT THEY HOPE TO DO IN THE FUTURE. TO START, THE EXISTING -- IT IS A SERVICE STATION. IT WAS A SERVICE STATION BEFORE MY CLIENT BOUGHT IT. IT'S BEEN A SERVICE STATION FOR MANY YEARS. TO CHANGE THE STATUS OF THAT USE FROM PERMITTED AS IT WAS WHEN THEY BOUGHT IT AND AS IT IS NOW, AND MAKE THAT A CONDITIONAL USE, WHICH WOULD MAKE THE EXISTING USE BECOME LEGAL NON-CON FORMING IS PROBLEMATIC. I MEAN JUST FOR STARTERS. IT CAN'T -- I WHOLEHEARTEDLY UNDERSTAND THE NEIGHBORHOOD'S

CONCERN ABOUT IT BECOMING A RACE TRAK OR A COSTCO OR SOMETHING ALONG THOSE LINES, THE SCALE OF THE SITE ITSELF MAKES ITSELF THAT WE REALLY COULDN'T DO MUCH MORE THAN NEIGHBORHOOD WITH RESPECT TO SIZE USE ON THAT SITE. THE REASON WHY WE HAVE AGREED TO MOST OF THESE IS THAT, WHICH ARE MANY, THAT THE STAFF AND NEIGHBORHOOD THOUGHT SHOULD BE EITHER PROHIBITED OR CONDITIONAL, BUT THOSE USES THAT WERE REALLY AT THE HEART OF THEIR BUSINESS ARE THE ONES THAT WE WANTED TO PRESERVE. I ALSO UNDERSTAND THE NEIGHBORHOOD'S CONCERNS, IN ALL OF OUR DISCUSSIONS THEY HAD CONCERNS ABOUT TRAFFIC. BUT THERE'S NOTHING ABOUT THE NATURE OF THE PARTICULAR USES THAT WE ARE REQUESTING TO PRESERVE. THAT HAVE ANY GREATER IMPACT ON TRAFFIC THAN SOME OF THE USES THAT WILL REMAIN PERMITTED USES. IT'S NOT REALLY ABOUT TRAFFIC. GRANTED THAT'S A BUSY INTERSECTION AND IT IS -- IT IS -- THERE -- THE CITY OF AUSTIN OWNS THE CORNER OF OUR SITE ACTUALLY. AND SO IT DOES MAKE ACCESS FROM AND TO THE SITE DIFFICULT. THAT'S GOING TO BE THE CASE, UNLESS THE CITY DECIDES TO SELL US THAT CORNER, THAT'S GOING TO BE THE CASE NO MATTER IF WE ARE A RESTAURANT, STARBUCKS, A LOT OF USES THAT GENERATE A LOT MORE TRAFFIC THAN THESE AUTOMOTIVE USES.

OKAY.

DOES THAT ANSWER YOUR QUESTION, COUNCILMEMBER THOMAS?

Thomas: IT DOES. I VISITED THE SITE, WHAT'S YOUR NAME, SIR.

MARK BIRCH.

WHEN YOU SAID COMING OUT OF THE SITE YOU WOULD EITHER HAVE TO TURN RIGHT TO GO DOWN WHICH WOULD BE EAST ON 45th.

RIGHT.

IT WOULD BE DIFFICULT TO TURN LEFT.

DIFFICULT. IT'S NOT ILLEGAL. BUT NORMALLY IT IS DIFFICULT. THE SITE LINES ARE VERY POOR. I WOULD RESPECTFULLY CORRECT YOUR CHARACTERIZATION OF THIS AS A REQUEST TO RESTRICT THEIR USE. WE HAVE ONLY ASKED THAT THE USES BE MADE CONDITIONAL. WE HAVE OFFERED TO -- TO WRITE A LETTER IN SUPPORT OF A CONDITIONAL USE PERMIT FOR THE EXISTING CONVENIENCE STORE USE. IT'S A LITTLE MISLEADING TO CALL WHAT THEY HAVE A SERVICE STATION. IT'S A CONVENIENCE STORE WITH A GAS PUMP. A SERVICE STATION AS I UNDERSTAND IT ENCOMPASSES A LARGE VARIETY OF DIFFERENT IMPLEMENTATIONS. ALL THAT WE ARE ASKING FOR IS THAT IT BE MADE A CONDITIONAL USE SO THAT A DIFFERENT IMPLEMENTATION OF A SERVICE STATION USE OR AN AUTOMOBILE REPAIR USE OR RENTAL OR SALES USE BE SUBJECT TO SOME SORT OF NEIGHBORHOOD INPUT.

Thomas: I DO RESPECT YOU, TOO, ALSO, BUT WHEN WE PUT ESSENTIAL RESTRAINTS -- CERTAIN RESTRAINTS ON PROPERTY OWNERS, THEY MIGHT NT TO SELL IT. THEY HAVE ALREADY --

WE OFFERED THE PROPERTY OWNER A -- A DEAL. AN AGREEMENT. THAT WOULD HAVE MADE ALLOWED SERVICE STATION USE ON THE NORTHERN HALF OF THE PARCEL WHERE THE CONVENIENCE STORE AND GAS PUMP CURRENTLY ARE. ON THAT PART OF THE PARCEL THE GAS STATION USE WOULD NOT HAVE BEEN A CONDITIONAL USE. HAD THEY DECIDED TO REBUILD THE SITE, USE THE LAUNDROMAT, USE IT AS A STATION, THAT WOULD HAVE BEEN A CONDITIONAL USE ON THE SOUTHERN PART OF THE PARCEL. THAT WAS A PROPOSED OFFERED AND THE -- MS. MEADE'S CLIENTS DIDN'T ACCEPT IT.

RIGHT. I JUST WANT TO POINT OUT WHY. GIVEN -- WHEN WE WENT AND SAT DOWN AND LOOKED AT THAT PROPOSAL, GIVEN THE FACT THAT THE NEIGHBORHOOD WAS VERY CONCERNED ABOUT OUR EXISTING EXIT AND ACCESS TO THE SITE, WE FELT LIKE IF WE DID ANYTHING TO THE GAS STATION USE ON THE SITE AND THE CONVENIENCE STORE, WE WOULD WANT TO REALIGN IT TO PROBABLY TAKE SOME

OF THAT PART OF THE PROPERTY THAT'S NOW BEING USED AS LAUNDROMAT AND RECONFIGURE SOME OF WHAT WE HAVE GOT GOING ON ON THAT SITE. WE DIDN'T THINK THAT THAT WOULD ACTUALLY RESULT IN A BETTER SITUATION FOR THE NEIGHBORHOOD, BUT ACTUALLY WOULD RESULT IN A WORSE SITUATION. I ALSO WANT TO POINT OUT THAT I BELIEVE AND JACKIE CAN CORRECT ME IF I'M WRONG, I BELIEVE ON EVERY SITE WHERE THESE USES WOULD BE PERMITTED IN THIS NEIGHBORHOOD PLAN THEY ARE PROHIBITED. IF WE ARE GOING TO ENCOURAGE PEOPLE TO BE URBAN DWELLERS, TO LIVE IN THE CENTRAL CORE OF THE CITY, WHERE DO THEY GET THEIR GAS? SHOULD YOU HAVE TO DRIVE TO LAMAR FROM 44th AND DUVAL TO GET YOUR GAS? WHERE DO YOU GET YOUR GAS? WHERE DO YOU GET YOUR CAR REPAIRED? THOSE THINGS SHOULD BE IN CLOSE PROXIMITY TO WHERE PEOPLE LIVE. THE SCALE OF THEM TRULY NEEDS TO BE CONSISTENT WITH THE LOCATION WHERE THEY EXIST. BUT I THINK ON THIS SITE WE DON'T HAVE A CHOOSE BUT TO HAVE THAT SCALE SMALL AND NEIGHBORHOOD ORIENTED.

McCracken: YEAH. I HAVE A UNIQUE PERSPECTIVE BECAUSE I LIVED ACROSS THE STREET FROM THIS CONVENIENCE STORE FOR THREE YEARS.

SO DID DARYL.

McCracken: THAT'S WHAT IT IS A CONVENIENCE STORE. I DO -- IT IS NICE HAVING THE GAS STATION THERE, BUT I THINK IT WOULD BE A TOTAL DISASTER IF IT BECAME A BIG RACE TRAK GAS STATION. I THINK THAT IT IS APPROPRIATE TO HAVE SERVICE STATION AS A CONDITIONAL USE. IT BELONGS AS A -- AS A CONVENIENCE STORE AND A LAUNDROMAT IS APPROPRIATE. THAT'S A NEIGHBORHOOD. I KNOW FROM LIVING THERE, WHERE YOU WALK EVERYWHERE. WE WALK TO HYDE PARK OR MOTHER'S OR THE DRY CLEANERS, POST OFFICE, FLIGHT PATH COFFEE SHOP. THE LAST THING THAT WE WANT TO DO IS CREATE SOME REAL MASSIVE AUTO ORIENTED USE IN THE AREA. IT IS -- IT IS VERY, VERY NICE. IT WAS A VERY NICE, I LIVED THERE -- I LIVED THERE, THERE WAS A GAS PUMP THERE. WE MAINLY WALKED OVER THERE TO GET SOFT DRINKS. IT WAS AN APPROPRIATE SCALE. I THINK THIS PROPOSAL

FROM STAFF IS -- IS A GOOD BALANCING ACT ON THAT.

Dunkerly: I THINK -- WHERE DID THE AGENT GO? WHEN I TALKED TO THE NEIGHBORS ABOUT THIS PARTICULAR AREA, THEY EXPRESSED THAT SAME CONCERN ABOUT A VERY LARGE SCALE GAS STATION BEING THERE. YOU ARE SAYING THE SCALE WOULD NOT ALLOW IT. COULD YOU GIVE US SOME -- SOME NOT TONIGHT, BUT PROVIDE US SOME INFORMATION ABOUT THIS -- THE SIZE OF THE AREA THAT'S NEEDED FOR THOSE, WHAT THIS SIZE ACTUALLY IS. THE SECOND IS THERE A WAY THAT YOUR OWNER WOULD AGREE TO SOME SORT OF CONDITIONS THAT WOULD LIMIT NOT THE ALIGNMENT OF THE PUMPS, BUT THE NUMBER OF THE PUMPS SO AGAIN IT WOULD BE SMALL IN SCALE BUT NOT LIMITED TO HAVING A SMALL SCALE GAS STATION TO BE ABLE TO LINE IT WHERE IT'S A LITTLE SAFER, BUT NOT SOMETHING THAT WOULD IMPOSE ON THE NEIGHBORHOOD.

COUNCILMEMBER DUNKERLY, WE DEFINITELY CAN LOOK AT THAT. ACTUALLY THAT WAS ONE OF THE PROPOSALS THAT I BROUGHT TO THE TABLE IN MY FIRST DISCUSSIONS WITH THE NEIGHBORHOOD WAS LIMITING THE NUMBER OF PUMPS SO IT WOULDN'T BE A 1622 PUMP OR WHATEVER IT WAS, WHATEVER IT MAY BE, RACE TRAK, NOT THAT MEAN TO BADMOUTH THEM EVERY TIME I SAY SOMETHING, BUT I KNOW THAT'S THE NEIGHBORHOOD'S FEAR THAT IT WILL GET TO THAT SCALE. YES, WE DEFINITELY CAN GIVE YOU SOME INFORMATION AND DATA ABOUT HOW MUCH SPACE IS ACTUALLY REQUIRED TO -- TO DO THAT KIND OF A FACILITY AND WE ALSO -- WE ALSO I THINK THE OWNER WOULD CONSIDER RESTRICTING OR SOMEHOW PLACING A CONDITION THAT IT COULD NOT EXCEED THIS MANY PUMPS.

Dunkerly: IF THE INTEREST IS IN TRYING TO KEEP IT SMALL SCALE, THERE MAY BE A WAY OF DOING IT WITHOUT MAKING THE USE CONDITIONAL FOR WHAT HE'S DOING NOW, LET'S SCORE THAT BEFORE WE -- EXPLORE THAT BEFORE WE COME BACK.

THE FEAR IS IF IT BECOMES A CONDITIONAL USE IT PROBABLY NEVER WILL CHANGE. IT WILL ALWAYS BE IN ITS EXISTING CONFIGURATION AS LONG AS IT'S USED AS A

SERVICE STATION.

FURTHER COMMENTS OR QUESTIONS?

McCracken: I WILL MOVE APPROVAL OF STAFF RECOMMENDATION.

Slusher: I THINK THAT WE HAVE A MOTION.

McCracken: ALL SET.

Mayor Wynn: COUNCILMEMBER SLUSHER AND MAYOR PRO TEM MOVED TO APPROVE THE NEIGHBORHOOD PLAN STAFF RECOMMENDATION ON SECOND READING ONLY, TRACT 563. FURTHER COMMENTS? SECOND READING ONLY. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0, SECOND READING ONLY.

THE LAST ITEM, IN THE NEIGHBORHOOD PLANNING AREA --

Mayor Wynn: I TOLD YOU ALL THAT I WOULD GET YOU HOME EARLY TONIGHT, DOESN'T IT?

WHAT DOES IT FEEL LIKE AT 5:00 IN THE MORNING?

Mayor Wynn: SORRY, GO AHEAD.

TRACT 2104 -- 33403, 3405, 3407 HAMPTON ROAD AND 3406 RED RIVER STREET, FOUR PROPERTIES CURRENTLY USED AS SINGLE FAMILY, STAFF RECOMMENDATION IS S.F. 2 C.O. N.P. AND THE PROPERTY OPENER IS SEEKING A ZONING -- OWNER IS SEEKING A ZONING THAT WOULD ALLOWED INCREASED IMPERVIOUS COVER. WE DON'T HAVE A PETITION AT THIS POINT STATING EXACTLY WHAT IS SOUGHT, THOUGH.

Mayor Wynn: QUESTIONS, COMMENTS? COUNCIL?

Alvarez: QUESTION? SO THEN THEY ARE STILL IN

DISCUSSIONS ABOUT -- SOME KIND OF ALTERNATIVE APPROACH?

YEAH, THEY ARE WORKING WITH THE SURROUNDING RESIDENTS TO TRY TO WORK OUT A RESTRICTIVE COVENANT THAT WOULD MAKE THAT SOMETHING THAT THEY COULD LIVE WITH. WITH.

Alvarez: BUT THERE IS NO AGREEMENT.

NO, NOT AT THIS TIME.

Alvarez: THUS FAR. AGAIN, I GUESS THAT BEING SAID I GUESS WE WILL SUPPORT THE PLAN RECOMMENDATION, STAFF RECOMMENDATION, NEIGHBORHOOD PLAN RECOMMENDATION, AND THEN SEE IF ANYTHING MATERIALIZES BUT FOR NOW STICK WITH THAT PARTICULAR RECOMMENDATION, WHICH IS S.F. 2 C.O. N.P., IS THAT --

YES.

MOTION MADE BY COUNCILMEMBER ALVAREZ. SECONDED BY COUNCILMEMBER MCCRACKEN TO APPROVE NEIGHBORHOOD PLAN STAFF RECOMMENDATION ON SECOND READING ONLY, S.F. 2 C.O. N.P. TRACT 2104. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

THIS CONCLUDES THE HANCOCK ZONINGS.

Mayor Wynn: WHICH REMIND ME NOW CONCLUDES THE CENTRAL AUSTIN COMBINED NEIGHBORHOOD PLANS ON SECOND READING, CORRECT?

THAT IS CORRECT.

Mayor Wynn: THANK YOU ALL FOR YOUR WORK AND PATIENCE.

Mayor Wynn: OKAY, COUNCIL, THAT TAKE US TO SHH MORE 6:00 TIME CERTAIN PUBLIC HEARINGS. LET'S SEE. I BET WE CAN KNOCK OUT OUR -- OUR ANNEXATION PUBLIC HEARINGS IN SHORT ORDER. PERHAPS MR. LUKENS IS READY. THESE WOULD BE ITEMS 54, 55, AND 56. WE HAVE NO CITIZENS SIGNED UP WISHING TO SPEAK, WELCOME, MR. LUKENS.

THEY TEACH YOU ALL PATIENCE IN THE ARMY, RIGHT?

YES, SIR, THEY DID. THEY DID. THIS IS THE SECOND OF TWO PUBLIC HEARINGS. THE READINGS OF THE ANNEXATION ORDINANCE SCHEDULED FOR AUGUST 26th. THE FIRST ONE IS -- --

Mayor Wynn: FOLKS, IF YOU ALL COULD TAKE YOUR CONVERSATIONS OUT IF THE FOYER I WOULD APPRECIATE IT. THANK YOU. THE FIRST ONE OF THESE HEARINGS IS FOR ANNEXATION OF THE INTERPORT AREA. SO INTERPORT AREA IS ABOUT ONE ACRE, IT INCLUDES A PORTION OF INTERPORT PHASE SECTION ONE NOT ALREADY IN THE LIMITED JURISDICTION, THIS AREA IS ALREADY IN THE CITY'S LIMITED PURPOSE JURISDICTION AND IS PART OF THE LARGER INTERPORT PROJECT, IT'S BEING ANNEXED AT THIS TIME IN ACCORDANCE WITH THE TERMS OF THE DEVELOPER'S REQUEST FOR ANNEXATION AND LIMITED PURPOSE ANNEXATION REGULATORY PLAN. THE AREA IN BLUE IS THIS SEGMENT OF INTERPORT. SINCE I HAVE A COPY OF THE SERVICE PLAN WE ARE TALKING OVER FOR THE COUNTY FOR THE SERVICES THEY PROVIDE, AS WELL AS PROVIDING ADDITIONAL AND ENHANCED SERVICES NOT AVAILABLE FROM THE COUNTY. THAT'S INTERPORT THAT CONCLUDES THE PRESENTATION.

Mayor Wynn: THANK YOU, MR. LUKENS, QUESTIONS, COUNCIL? ARE THERE ANY CITIZENS THAT WOULD LIKE TO BE HEARD ON THIS PUBLIC HEARING, ITEM NO. 55 RELATED TO THE FULL PURPOSE ANNEXATION OF THE INTERPORT AREA. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. -- HEARING NONE I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOVED BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER ALVAREZ. ANY DISCUSSION IN HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER THOMAS OFF THE DAIS.

THANK YOU, THE NEXT HEARING IS -- IS FOR THE AVERY RANCH SECOND OF TWO, READING OF THE ORDINANCE IS SCHEDULED TENT TIMOTHY MCVEIGH FOR AUGUST 26th. -- TENTATIVELY FOR AUGUST 26th. THIS IS APPROXIMATELY -- THERE ARE SEVERAL TRACTS TOTALING APPROXIMATELY 103.32 ACRES, 277 SINGLE FAMILY LOTS IN A PORTION OF AVERY RANCH BOULEVARD. [INDISCERNIBLE] THE AVERY RANCH AREA IS BEING ANNEXED IN FULL PURPOSE IN ACCORDANCE TO THE DEVELOPERS REQUEST AND LIMITED PURPOSE REGULATORY PLAN. I HAVE COPIES OF THE ANNEXATION SERVICE PLAN WITH ME AND ESSENTIALLY WE ARE GOING AHEAD AND TAKING OVER FOR THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE FROM THE COUNTY. THAT INCLUDES MY AVERY RANCH PRESENTATION. [LAUGHTER]

Mayor Wynn: QUESTIONS FOR MR. LUKENS?

Goodman: MOVE TO CLOSE THE PUBLIC HEARING.

Mayor Wynn: ANY CITIZENS WOULD LIKE TO BE HEARD ON THIS PUBLIC HEARING, ITEM NO. 54 RELATED TO THE FULL PURPOSE ANNEXATION FOR THE AVERY RANCH AREAS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE., MAYOR PRO TEM MOVES TO CLOSE IT IS THE PUBLIC HEARING, SECONDED BY COUNCILMEMBER ALVAREZ,.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER THOMAS OFF THE DAIS.

THIS NEXT ONE IS SMART -- HAS 290 SMART HOUSING TRACT, 23 ACRES IN TRAVIS COUNTY, SOUTH OF U.S. HIGHWAY 290 EAST. AND THIS AREA IS CURRENTLY UNDEVELOPED. AND THE OWNER OF THE PROPERTY IS REQUESTING THE ANNEXATION, IT'S THE SITE OF A PROPOSED SMART

HOUSING DEVELOPMENT THAT INCLUDES PROPOSED 250 UNIT APARTMENT COMMUNITY AND WE ARE ANNEXING THIS, YOU KNOW, PRIMARILY TO FACILITATE THE DEVELOPMENT OF THIS SMART HOUSING PROJECT. THIS IS THE FIRST -- THIS IS THE SECOND OF TWO PUBLIC HEARINGS. THE SECOND PUBLIC HEARING -- THIS IS THE SECOND PUBLIC HEARING, REVIEWING THE ANNEXATION ORDINANCE IS SCHEDULED FOR AUGUST 26th. COPIES OF THE SERVICE PLAN WITH ME, ESSENTIALLY THE CITY TAKES OVER FOR THE COUNTY THE SERVICES THAT THEY PROVIDE AND PROVIDING ADDITIONAL ENHANCED SERVICES NOT OTHERWISE AVAILABLE. SERVICE WILL BE PROVIDED AT THE SAME LEVEL AS PROVIDED IN SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY, OF COURSE TRUE OF ALL ANNEXATION HEARINGS, THIS CONCLUDES THIS PRESENTATION.

Mayor Wynn: COUNCIL, MR. LUKENS HAD FIVE HOURS TO PRACTICE THIS ONE.

I DID.

QUESTIONS? ANY CITIZENS THAT WISH TO BE HEARD ON THIS PUBLIC HEARING, ITEM NO. 56 RELATED TO THE FULL PURPOSE ANNEXATION OF THE 290 SMART HOUSING AREA? MAYOR PRO TEM MOVES TO CLOSE THE PUBLIC HEARING. SECONDED BY COUNCILMEMBER ALVAREZ. FIVE WHO FIVE ALL IN FAVOR.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THE PRESENTATION INSPIRED COUNCILMEMBER THOMAS TO COME BACK INTO THIS ROOM SPECIFICALLY TO VOTE ON THIS -- ON THIS [LAUGHTER] -- MOTION PASSES ON A VOTE OF 7-0. THANK YOU, MR. LUKENS.

THANK YOU, SIR.

Mayor Wynn: COUNCIL, WE CAN TAKE UP ITEM NO. 51 52 NOW, BRACKENRIDGE URBAN RENEWAL PLAN, BLACKSHEAR, GLEN OAKS URBAN RENEWAL PLAN.

TO PRESENT THAT FROM NEIGHBORHOOD HOUSING IS GREG SMITH.

GOOD EVENING I'M GREG SMITH WITH THE NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT OFFICE. WHAT'S BEFORE YOU TODAY IS TO CONDUCT A PUBLIC HEARING AND TO PASS AN ORDINANCE WHERE WE BASICALLY ARE CHANGING THE TERMINATION DATES OF THESE THREE URBAN RENEWAL PLANS. THESE PLANS WERE ADOPTED IN THE LATE 60s, EARLY 70s. WHERE THEY HAVE SERVED THEIR PURPOSE IN TERMS OF REMOVING THE BLIGHTING INFLUENCE AND THESE AREAS HAVE BEEN FULLY DEVELOPED. WHAT WE ARE PROPOSING IS THAT THE TERMINATION DATE BE CHANGED FROM THE AUTOMATIC RENEWAL. -- THESE PLANS AUTOMATICALLY RENEWED IN JANUARY OF 2000 WHEN ACTION WAS NOT TAKEN FOR AN ADDITIONAL 10 YEARS. SO WE RECOMMEND THAT THEY TERMINATE THE END OF THIS YEAR, JANUARY 31st, WHICH WILL ELIMINATE ONE OF THE REVIEW AND APPROVAL PROCESSES FOR THE URBAN RENEWAL AGENCY. THIS ITEM HAS BEEN REVIEWED AND RECOMMENDED BY THE RENEWAL AGENCY AS WELL AS THE PLANNING COMMISSION, WE RECOMMEND APPROVAL.

ANY QUESTIONS OF STAFF, COUNCIL? WE HAVE NO -- ANY CITIZENS THAT WISH TO BE HEARD IN THIS PUBLIC HEARING REGARDING THESE URBAN RENEWAL PLANS, ITEM NO. 52? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY OTION TO CLOSE THE PUBLIC HEARING AND APPROVE. MOTION MADE BY THE MAYOR PRO TEM. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH. OKAY. COUNCIL, I BELIEVE THAT LEAVES US NOW WITH OUR PUBLIC HEARING REGARDING PUBLIC COMMENT -- SORRY TWO THINGS. COUNCIL, WE WILL NOW TAKE UP ITEM NO. 53, WHICH IS THE PUBLIC HEARING AND POTENTIAL APPROVING -- APPROVAL OF AN ORDINANCE THAT WOULD AMEND OUR AUSTIN METROPOLITAN AREA

TRANSPORTATION PLAN.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, I'M TERRY McMAN NEWS WITH TRANSPORTATION PLANING AND SUSTAINABILITY. THIS ITEM IS TO CONDUCT A PUBLIC HEARING TO APPROVE AN ORDINANCE TO AMEND THE AUSTIN COMPREHENSIVE PLAN 2025 AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN TO DOWNGRADE ESCARPMENT BOULEVARD FROM WILLIAM CANNON TO S.F. 45 SOUTH, C 20307 TO DELETE NORTH LAKE CREEK PARKWAY NORTH OF LAKELINE BOULEVARD, CASE NUMBER C 20401 AND TO DOWNGRADE MANOR ROAD FROM A SIX LANE DIVIDER ARTERIAL TO THE EXISTING FOUR LANE ARTERIAL BETWEEN AIRPORT BOULEVARD AND 51st STREET, CASE NUMBER C 20403. BOARD AND COMMISSION ACTION HAS BEEN COMPLETED. URBAN TRANSPORTATION COMMISSION RECOMMENDED UNANIMOUS APPROVAL OF ALL OF THESE AMENDMENTS. WITH STAFF CONDITIONS ON FEBRUARY 17th AND ENVIRONMENTAL BOARD RECOMMENDED UNANIMOUS APPROVAL, ALSO. WITH STAFF CONDITIONS FOR ALL OF THE AMENDMENTS ON FEBRUARY 18th, PLANNING COMMISSION HELD A PUBLIC HEARING ON FEBRUARY 24th AND RECOMMENDED APPROVAL OF THE AMENDMENTS FOR ESCARPMENT BOULEVARD AND MANOR ROAD. RECOMMENDED APPROVAL AND ON APRIL 14th, PLANNING COMMISSION HELD A PUBLIC HEARING AND RECOMMENDED APPROVAL WITH ALL OF THE STAFF CONDITIONS ON NORTH LAKE CREEK PARKWAY. THE RATIONALE FOR THE RECOMMENDATIONS FROM STAFF IS THAT THESE CHANGES WILL REDUCE THE TRANSPORTATION IMPACT ON THE NORTHERN AND SOUTHERN EDWARD'S AQUIFER RECHARGE BY AVOIDING SENSITIVE RECHARGE FEATURES AND ALSO BY REDUCING IMPERVIOUS COVER ASSOCIATED WITH THE ROADS. IT WILL ALSO HELP PROVIDE CONSISTENCY IN THE CASE OF THE MANOR ROAD AMENDMENT WITH THE CITY'S RMMA SITE REDEVELOPMENT PLANNING AND CURRENTLY ADOPTED NEIGHBORHOOD PLANS. I WOULD LIKE TO START WITH ESCARPMENT BOULEVARD CASE C 2-03-07. THIS EXTENDS FROM WILLIAM CANNON TO SH 45 SOUTH. AND THE -- THE AMENDMENT HAS BEEN REQUESTED BY STRATUS PROPERTIES AND IN CONJUNCTION WITH THE ESCARPMENT VILLAGE

DEVELOPMENT LOCATED AT SLAUGHTER LANE AND ESCARPMENT BOULEVARD, THE REPRESENTATIVE IS MR. STEVE DRENER, AVAILABLE IF YOU HAVE QUESTIONS TO THE AMENDMENT OR THE PROPERTY. ESCARPMENT BOULEVARD CHANGES WILL RECONCILE OUR PLAN WITH VARIOUS EXISTING AND PLANNED FACILITIES, SIZES AND DESIGNS ALONG THE ROADWAY FROM WILLIAM CANNON TO SLAUGHTER LANE, THE ENTIRE ROAD WOULD BE A CONTINUOUS FOUR-LANE DIVIDED ARTERIAL WITH BIKE LANES ON BOTH SIDES OF THE ROADWAY. AND THEN FROM SLAUGHTER LANE TO S.H. 45 SOUTH THE ROAD WOULD BE CONTINUOUS, TWO LANE DIVIDED, WITH UNDIVIDED SECTIONS AND FULL BIKE LANES ON BOTH SIDES OF THE ROAD. ALL OF THE ROADWAY WOULD ALSO CONTAIN SIDEWALKS ON BOTH SIDES OF THE ROAD. IT IS CURRENTLY INCLUDED IN THE CITY OF AUSTIN'S TRANSPORTATION PLAN TO HAVE TWO ADDITIONAL VEHICLE LANES ADDED FROM WILLIAM CANNON DOWN TO S.H. 45 SOUTH. SPECIFICALLY, THE AMENDMENT CHANGES BY SEGMENT ARE AS FOLLOWS FROM WILLIAM CANNON TO DAVIS LANE. THIS CHANGE WILL BE A FOUR-LANE ROAD INSTEAD OF A SIX-LANE DIVIDED ROAD. FROM DAVIS LANE TO SOUTHTON CLIFF DRIVE A FOUR-LANE DIVIDED ROAD TO A FOUR-LANE DIVIDED ROAD WITH BIKE LANE STRIPING, SO IT WILL INCLUDE THE INSTALLATION OF BIKE LANES, FROM [INDISCERNIBLE] CLIFF DRIVE TO SLAUGHTER LANE, THE UNCONSTRUCTED CURRENTLY MISSING GAP PIECE, A FOUR LANE DIVIDED ROAD WITH BIKE LANE STRIPING AND A REDUCTION IN THE DESIGN SPEED TO 40 MILES PER HOUR FROM 45 MILES PER HOUR. FROM SLAUGHTER LANE TO ADEN LANE, A TWO LANE DIVIDED AND UNDIVIDED SECTION ALSO WITH BIKE LANES INSTEAD OF A FOUR LANE DIVIDED SECTION. AND THEN FROM ADEN LANE SOUTH TO THE COMPLETION AT S.H. 45, A TWO LANE DIVIDED ROAD WITH BIKE LANES INSTEAD OF A FOUR LANE DIVIDED ROADWAY. THIS DECREASE, AS I MENTIONED, REDUCES IMPERVIOUS COVER IN THE BARTON SPRINGS EDWARD'S AQUIFER RECHARGE ZONE. IT GIVES US CONTINUOUS BICYCLE AND PEDESTRIAN CONNECTIONS ALL THE WAY FROM WILLIAM CANNON DOWN TO S.H. 45 SOUTH. WHICH ARE NEEDED IN THIS CORRIDOR AS A SAFE ALTERNATIVE TO TRAVELLING WITH A BICYCLE ON SOUTH LOOP 1. AND THE AMENDMENT ALSO SHIFTS TRAVEL

APPROPRIATELY FROM A SMALLER SIZED ROAD TO SOUTH LOOP 1 RAY 1 AVOIDING RESIDENTIAL AREAS. FINALLY THE ENVIRONMENTAL SUITABILITY MATRIX ANALYSIS PERFORMED IN 2002 FOR THE TRANSPORTATION PLAN SHOWED THAT THIS ROAD WAS ONE APPROPRIATE IN THE DRINKING WATER PROTECTION ZONE FOR A REDUCTION IN SIZE AND DESIGN DUE TO POTENTIAL ENVIRONMENTAL IMPACTS. THAT CONCLUDES MY PRESENTATION ON THE ESCARPMENT BOULEVARD. I WOULD BE HAPPY TO ANSWER QUESTIONS.

Mayor Wynn: SO AS -- SO FAR AS OUR -- OUR AGENDA SUMMARY POSTING, WHAT YOU DESCRIBED ACTUALLY SHOW AS ITEMS 1, 2, 3, 4 AND 5?

CORRECT. ARE ALL A PART OF HE IS ESCARPMENT BOULEVARD, BROKEN DOWN INTO THOSE VARIOUS SEGMENTS AS I DESCRIBED THEM.

Mayor Wynn: ALL RIGHT. QUESTIONS, COMMENTS? COUNCIL? REGARDING THE PROPOSED AMENDMENT TO ESCARPMENT BOULEVARD IN OUR AMATP PLAN. IS YOUR RECOMMENDATION THAT WE TAKE INDIVIDUAL MOTIONS AND ACTIONS ON THESE DIFFERENT PIECES?

IF COUNCIL CHOOSES STAFF WOULD RECOMMEND THAT, YES. THERE ARE SEPARATE DISCUSSIONS ON THE OTHER TWO CASES.

Mayor Wynn: TAKING ESCARPMENT OF ONE, THE PRESENTATION ON THESE FIVE COMPONENTS OF ESCARPMENT AS ONE --

YES, SIR.

Mayor Wynn: OKAY. I WILL ENTERTAIN A MOTION. I WILL ENTERTAIN A MOTION THAT INCLUDES CLOSING THE PUBLIC HEARING AS TO THESE SEGMENTS OF THIS PROPOSED PLAN. AND APPROVE AS PRESENTED. MOTION MADE BY MAYOR PRO TEM GOODMAN, I WILL SECOND THAT, TO CLOSE THE PUBLIC HEARING ON THIS ELEMENT OF OUR AMATP PLAN. AND APPROVE THE DESIGNATION OF ESCARPMENT BOULEVARD AS PRESENTED AND SUMMARY

ELEMENTS ONE THROUGH FIVE. FURTHER COMMENTS?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 5 - -- 6-0
WITH COUNCILMEMBER ALVAREZ OFF THE DAIS. [ONE
MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

AND IS FWREABL IN GENERAL OR AND ALSO CAN AVOID
ENVIRONMENTAL FEATURES. THE TEXAS DEPARTMENT OF
TRANSPORTATION CEDAR PARK CAMPUS EXISTS RIGHT AT
THE INTERSECTION OF NORTH LAKE CREEK PARKWAY WITH
LAKELINE BOULEVARD. ALL OF THE JURISDICTIONS
INVOLVED, THE DEPARTMENT OF PUBLIC SAFETY, CEDAR
PARK AND WILLIAMSON COUNTY HAVE STATED THEY HAVE
NO OBJECTION TO THIS DELETION OF THE ROADWAY BY THE
CITY OF AUSTIN. THE DEPARTMENT OF TRANSPORTATION
HAS IDENTIFIED ENDANGERED PIECES THAT ARE IN THE
PLANNED RIGHT-OF-WAY 183-A. AND THEY INTEND TO SET
ASIDE THE REMAINDER OF THE TRACT -- , I'LL IDENTIFY IT
FOR YOU. THIS AREA TO BE SET ASIDE AS PRESERVE AND
MITIGATION FOR HABITAT OF LISTED ENDANGERED SPECIES
THAT WILL BE TAKEN DURING THE CONSTRUCTION OF U.S.
183-A. TXDOT DOESN'T DESIRE TO REROUTE THIS
EXTENSION ENTIRELY TO THEIR PROPERTY. THE ROADWAY
CAN'T BE SHIFTED EASTWARD FOR TWO REASONS, ONE OF
WHICH IS THE LEANDER REHABILITATION PUD PROPERTY
DIRECTLY TO THE EAST -- AND THAT'S BETWEEN LAKELINE
BOULEVARD AND AVERY RANCH OR THE SOUTHERN
BOUNDARY OF AVERY RANCH, HAS ENVIRONMENTAL
FEATURES WITHIN THE P.U.D. PROPERTY THAT WOULD ALSO
BE NEGATIVELY IMPACTED BY THE EXTENSION OF THE
ROAD. AND SPECIFICALLY THERE IS A SINKHOLE WITH A 20-
FOOT DIAMETER, REHABILITATION SINK, AND THE TXDOT
PROPOSAL TO REROUTE NORTH LAKE CREEK PARKWAY AND
MOVE IT EASTWARD WOULD CAUSE THE ROAD TO BE OVER
AND WITHIN THE RECOMMENDED 150-FOOT BUFFER FOR
THE CEF ON THE P.U.D. PROPERTY. AS AN ALTERNATIVE, A
FOUR LISTEN LANE COLLECTOR IS BEING REQUIRED IN THE
NORTH LAKE P.U.D. PLANE. THIS IS NORTH HURST DRIVE. IT'S
HIGHLIGHTED HERE IN A DASHED LANE. AS A FOUR-LANE
COLLECTOR IT WOULD EXTEND ALL THE WAY FROM SH 45

NORTH UP TO AVERY RANCH BOULEVARD, SO IT WILL PARALLEL NORTH LAKE CREEK PARKWAY. THE APPLICANT HAS AGREED TO CONSTRUCT LINDHURST DRIVE IN A TIMELY MANNER, AND IT WOULD ONLY BE 1,800 FEET FROM THE PROPOSED ALIGNMENT FOR NORTH LAKE CREEK PARKWAY OR ABOUT THREE TO FOUR CITY BLOCKS. AS I MENTIONED, THE CITY OF CEDAR PARK AND WILLIAMSON COUNTY DON'T OPPOSE THIS PROPOSED AMENDMENT. IN FACT, CEDAR PARK HAS DELETED THE ROAD FROM THEIR PLAN ON JUNE 10th OF THIS YEAR BETWEEN BRUSHY CREEK AND PARK STREET SO THAT A LITTLE BIT FURTHER NORTH WITHIN THEIR JURISDICTION IN CEDAR PARK. GEE LODGE KICK AND BUY LOGIC ASSESSMENTS WERE PERFORMED BY TXDOT CONSULTANTS IN JANUARY OF 1999 AM. THEY IDENTIFIED A CLUSTER OF FOUR CLUSTER FEATURES DIRECTLY IN THE EXTENSION OF NORTH LAKE CREEK PARKWAY. I'LL POINT THEM OUT. THEY INDICATED THAT THESE FEATURES HAD RAPID FILTRATION TO THE NORTHERN EDWARD'S AQUIFER AND THAT A FEATURE IN THAT CLUSTER KNOWN AS DEAD DOG OR PIT OR SLEDGEHAMMER SINK IS A LIKELY LOCATION FOR ENDANGERED SPECIES AND ENDANGERED SPECIES HABITAT. THAT ENDANGERED SPECIES BEING POSSIBLY A BROWN BEETLE OR THE LISTED TWO CAVE BROWN BEETLE. WATERSHED STAFF HAS REVIEWED THIS AND FOUND NET BENEFIT, ACCRUING WITH THE DELETION OF THE ROADWAY BECAUSE FIVE OR MORE CEF'S IN THE PROPOSED ALIGNMENT CAN BE AVOIDED. NO CEF RECHARGE FEATURES HAVE BEEN OBSERVED ON OR ADJACENT TO THE ALIGNMENT FOR LINDHURST DRIVE. AGAIN, THE APPLICANT IS IN AGREEMENT WITH CONSTRUCTING BETWEEN AVERY RANCH BOULEVARD AND SH 45 OR RM 620. AND THAT CONCLUDES MY PRESENTATION. I BELIEVE THERE ARE SPEAKERS SIGNED UP ON THIS ITEM, AND I WOULD BE ALSO HAPPY TO ANSWER FURTHER QUESTIONS.

Mayor Wynn: QUESTIONS OF STAFF? WE DO HAVE A NUMBER OF FOLKS SIGNED UP WISHING TO SPEAK. PERHAPS SOME OF THEM ON HE ISARPMENT BOULEVARD. I APOLOGIZE. IT'S NOT EVIDENT WHICH ELEMENT OF THIS PROPOSED PLAN AMENDMENT FOLKS ARE SIGNED UP FOREON AGAINST. -- FOR OR AGAINST. BRYAN LYNCH SIGNED UP NOT WISHING TO SPEAK, AGAINST. BRYAN ROSS, NOT WISHING TO SPEAK,

AGAINST. SCOTT (INDISCERNIBLE), WISHING TO SPEAK.
WELCOME MR. BOOTH, YOU WILL HAVE THREE -- EITHER
ONE. YOU WILL HAVE TEE MINUTES AND YOU'LL BE
FOLLOWED BY DAL GULLET, WHO WILL BE FOLLOWED □ NO
CARRIERRINGCONNECT 2400 □ BREN --

THEY'RE DESIGNED TO ACCOMMODATE HEAVY LEFT TURN
AND RIGHT TURN MOVEMENTS RESULTING IN POSSIBLE
DUAL LEFT TURN LANES, RIGHT TURN LANES, RESULTING IN
UNUSUAL INTERSECTION GEO METRICS, AND IT WOULD
HAVE A NEGATIVE IMPACT ON BOTH THE NORTH-SOUTH
TRAFFIC RUNNING ON LIND HUR IS. T AND THOSE RUNNING
ON THE ARTERIALS. CALCULATING THE OVERALL DELAY FOR
A YEAR, ASSUMING THAT THERE'S 40,000 CARS TRAVELLING
ON NORTH LAKE CREEK PARKWAY A DAY. [BUZZER SOUNDS
]. SOUNDS LIKE I'M OUT OF TIME.

Mayor Wynn: PLEASE CONCLUDE, MR. BOOTH.

I WILL SUM UP. IN SUMMARY AS IS CURRENTLY PLANNED,
NORTH CREEK PARKWAY IS A VERY WELL PLANNED ROAD.
THE DELETION OF THAT WOULD INCREASE THE TRAVEL
TIME, WOULD RESULT IN SIR CUE TUS ROUTING AND WITH
TXDOT GUIDELINES BEING IN PLACE FOR TXDOT FACILITIES
AND CAMPO TOALG TOLLING POLICIES THAT ARE RECENTLY
IMPLEMENTED, OUR WAY IS A NON-TOLL WAY RELIEVER
ROUTE AND IT IS IMPORTANT THAT IT REMAIN AS IT IS
CURRENTLY ON THE PLAN. THANK YOU. I'M HAPPY TO
SPRAIN ANY QUESTIONS. >>

Mayor Wynn: THANK YOU, MR. BOOTH. DAL GULLET.
WELCOME. YOU WILL BE FOLLOWED BY STEVE BRENNER.
SORRY TO KEEP Y'ALL WAITING SO LONG, FOLKS.

MAYOR AND COUNCIL, I'M DAL GULLET. HE WAS OUR
TRANSPORTATION CONSULTANT ON BEHALF OF OUR CLIENT,
THE 620183 PARTNERSHIP WHO IS SUPPOSED OF THE
THOMAS FAMILY. MR. THOMAS IS HERE IN THE ROOM TODAY.
WE ALSO REPRESENT REYNOLDS INTERESTS, WHICH IS THE
PROPERTY IMMEDIATELY ABUTTING THE TXDOT PROPERTY
WHERE THE ROAD CURRENTLY TERMINATES. MR. THOMAS'
FAMILY HAS 100 ACRES NEAR THE -- AT THE START OF
NORTH LAKE CREEK PARKWAY AT 620. SUPPORTING OUR

POSITION IS THE LOWE'S WHICH IS LOCATED IN THE AREA, NILE MAXWELL, WHO HAS A LARGE DEALERSHIP AT THE START OF NORTH LAKE CREEK PARKWAY. AND I KNOW YOU'VE GOTTEN LETTERS FROM THE REAL ESTATE SUPPORTING STRONGLY OPPOSITION. THEY HAVE A LARGE DEVELOPMENT IN THAT AREA. AND SMALL BUSINESS OWNERS IN THAT AREA, INCLUDING THE BENNIGAN'S, WHO THINK IT'S IMPORTANT FOR GOOD CIRCULATION IN THAT AREA. WE COULD ARGUE TONIGHT THAT THIS ROAD IS CRITICAL FOR THE ECONOMIC HEALTH OF THE AREA, WHICH IT DEFINITELY IS. WE COULD ALSO ARGUE THAT THE COMPLETION OF THIS ROAD IN PLANNING IS IMPORTANT TO OUR CLIENT'S DEVELOPMENT VISION AND THE FORWARD THINKING THEY HAD WHEN IN THE 1980'S THEY THROUGH A DEVELOPMENT GROUP BUILT THE ROAD THAT EXISTS CURRENTLY. BUT LET'S PUT THE DEVELOPMENT INTERESTS ASIDE. WHAT'S CRITICAL IS THE TRANSPORTATION ISSUES AT HAND. THIS IS A VERY RAPID GROWING AREA, AND CONNECTIVITY IS VERY IMPORTANT IN THIS AREA. WE ASK YOU TO DO THE CONSERVATIVE THING TONIGHT, WHICH IS TO PRESERVE THE STATUS QUO AND KEEP NORTH LAKE CREEK PARKWAY IN ITS ENTIRETY IN YOUR TRANSPORTATION PLAN. WHAT WILL THIS DO? WELL, BASICALLY WHAT THIS WILL DO IS PRESERVE CONNECTIVITY FOR LOCAL TRAFFIC. IT WILL ALSO PRESERVE ALL YOUR OPTIONS FOR THE ULTIMATE ALIGNMENT OF THIS ROAD. ATP IS A PLANNING DOCUMENT, NOT A CONSTRUCTION DOCUMENT. AND LASTLY, MOST IMPORTANT, BY KEEPING IN THE ROADWAY, IT PRESERVES THE DIRECTIVES FROM CAMPO FOR A NON-TOLLED ALTERNATIVE TO 183-A. A WILD CARD IN THIS WHOLE ISSUE IS WHAT'S GOING TO HAPPEN WITH CAPITAL METRO IN THIS AREA. THERE'S A CURRENT RED LINE THAT RUNS WEST OF THE PROPERTY AND MEANDERS AROUND -- [BUZZER SOUNDS]. AND THERE'S BEEN DISCUSSION. I'LL WRAP UP, MAYOR. ABOUT STRAIGHTENING THAT LINE OUT. AND THE DIAGRAMS THAT I'VE SEEN THAT I'VE SHARED WITH MOST OF YOU SHOWS THE LINE GOING DIRECTLY THROUGH THE AREA FOR THIS ALIGNMENT. SO IF THAT HAPPENS, ALL OUR ENVIRONMENTAL ARGUMENTS GO AWAY BECAUSE THERE'S GOING TO BE TRANSPORTATION PLANNING THROUGH THAT

AREA. HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: HAVE YOU GOT A PROBLEM WITH TOLL ROADS?

NO PROBLEM WITH TOLL ROADS.

Mayor Wynn: THANK YOU. STEVE BRENNER, WELCOME, SIR. LET'S SEE, MICHELLE HOUSEMAN HAS DONATED HER TIME. DID MICHELLE HANG AROUND. YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

THANK YOU, MAYOR, COUNCIL. I THINK THE STAFF DID AN EXCELLENT JOB OF EVALUATING THE PROBLEMS WITH THE EXISTING ROADWAY AND EVALUATING ALTERNATIVES FOR REGIONAL MOBILITY. I WOULD POINT TO YOU A SUMMARY THAT SYLVIA POPE FROM THE WATERSHED PROTECTION AND REVIEW DEPARTMENT INCLUDED IN HER MEMO TO TERRY MCMANUS. AND IT LISTED THREE REASONS FOR THE SUPPORT FOR THIS AMENDMENT. THE FIRST WAS -- IS THAT THE DELETION OF THIS ROADWAY IS PROTECTED BY FIVE OR MORE CEF'S LOCATED IN THE RIGHT-OF-WAY FOR THE PROPOSED NORTH LAKE CREEK PARKWAY. THE SECOND IS THAT THE EXTENSION OF LIND HURST DRIVE UP TO AVERY RANCH BOULEVARD PROVIDES AN ALTERNATIVE FOR LOCAL TRAFFIC. AND THIRD THAT NO CEF RECHARGE FEATURES HAVE BEEN OBSERVED ON OR ADJACENT TO THE ALIGNMENT FOR LIND HURST DRIVE. SO THIS ISN'T A QUESTION OF REGIONAL MOBILITY OR NOT HAVING NON-TOLLED ROADS THAT PROVIDE ALTERNATIVES FOR 183-A. THE OPPONENTS OF THIS AMENDMENT ARE PROPERTY OWNERS WHO OWN PROPERTY TO THE SOUTH OF THIS PROPOSED ROADWAY. THEY BELIEVE THEIR PROPERTY WILL BE MORE VALUABLE IF MORE CARS TRAVEL ALONG THAT EXISTING ROADWAY. AS YOU EVALUATE THIS AMENDMENT, I WOULD HAVE YOU CONSIDER FIVE POINTS. THE FIRST IS THAT ALL OF THESE ARGUMENTS HAVE BEEN HEARD BY STAFF, HAVE BEEN HEARD BY THE URBAN TRANSPORTATION COMMISSION, THE ENVIRONMENTAL BOARD AND THE PLANNING COMMISSION. TO DATE NOT A SINGLE PERSON ON THOSE COMMISSIONS HAS VOTED TO OPPOSE THE AMENDMENT. SECOND, IN MY MIND THE PRESENCE OF THE CEF'S MAKES THE PROPOSED ROADWAY ENVIRONMENTALLY IRRESPONSIBLE. NOTE THAT THE PRESENCE OF THOSE

CEF'S WILL CERTAINLY NOT -- WERE CERTAINLY NOT KNOWN WHEN THIS ROADWAY WAS PUT INTO THE PLAN. THIRD, THE PROPOSED ROADWAY WON'T BE BUILT. THERE'S NO FUNDING FOR IT. INAND LEAVING A PHANTOM ROADWAY IN THE PLAN DOESN'T HELP ANYONE AND IT INHIBITS PROPER PLANNING IN THE THE AREA. FOURTH, OTHER ROADWAYS IN THE AREA DO PROVIDE THE NECESSARY REGIONAL MOBILITY AS CLEARLY POINTED OUT BY STAFF. AND FIFTH, THE OTHER JURISDICTIONS IN THIS AREA, WILLIAMSON COUNTY, CEDAR PARK, AS MS. MCMANUS HAVE MENTIONED, HAVE INDICATED THEY HAVE NO PROBLEM WITH THE DELETION AND NAFK CEDAR PARK HAS TAKEN IT ONE STEP FURTHER. THEY'VE DELETED THE EXTENSION OF THIS ROADWAY THAT FALLS WITHIN THEIR ARTERIAL PLAN. I THINK IT'S QUITE A COMPELLING STORY. AND THIS ISN'T A QUESTION, AGAIN, ABOUT REGIONAL MOBILITY, IT'S JUST WHERE IS A BETTER PLACE FOR THAT ROADWAY TO FALL. THANK YOU.

Mayor Wynn: THANK YOU. LET'S SEE. DICK WRATHGABER, WELCOME. IT LOOKS LIKE IS PETER FLYNN HERE? WELCOME, PETER. MR. FLYNN HAS DONATED HIS THREE MINUTES TO YOU, SO YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT.

I WON'T NEED THAT LONG. I THINK ALL OF YOU HAVE A LETTER FROM MR. BUTLER, AND THAT PRETTY WELL SETS FORTH OUR POSITION. DR HORTON IS OUR MAJOR CUSTOMER IN THE AREA, AND THEY HAVE AGREED TO EXTEND LINDHURST TO AVERY RANCH ROAD. MR. DRENER WAS BRILLIANT IN HIS SUMMATION IN THAT THAT ROAD WILL PROBABLY NEVER BE BUILT BECAUSE IT WOULD REQUIRE JUST A BRIDGE ALONE OVER WILLIAMSON CREEK WOULD -- I MEAN OVER BRUSHY CREEK WOULD BE IN THE NEIGHBORHOOD OF SEVEN TO EIGHT MILLION DOLLARS. AND THERE IS A REASON THAT WE CALL THAT ZILKER PARK NORTH BECAUSE IT IS ONE OF THE MOST BEAUTIFUL PLACES IN WILLIAMSON COUNTY. SO IT WOULD REALLY WREAK HAVOC WITH THE PARK IN THAT AREA IF THAT ROAD WERE TO BE EXTENDED ALL THE WAY TO 1431 AS WAS PROPOSED. SO THIS ISSUE NEEDS TO BE LAID TO REST BECAUSE WE CANNOT PLAT IN A RESPONSIBLE MANNER THE REST OF OUR LAND WEST OF THE RAILROAD. THE HORTON COMPANY HAS AGREED WITH MR. MEDFORD TO GO AHEAD

AND PAVE AND EXTEND LINDHURST DRIVE ALL THE WAY TO AVERY RANCH ROAD, AND LINDHURST AND THIS EXTENSION A WOULD RUN PARALLEL TO EACH OTHER AND ALSO HAVE 183 JUST ON THE OTHER SIDE OF IT. SO I DON'T KNOW HOW MANY TIMES YOU CAN CUT UP ONE PIECE OF PROPERTY AND STILL HAVE IT A VIABLE DEVELOPMENT. SO I WOULD URGE YOU TO GO WITH THE STAFF RECOMMENDATION, AND WE'RE VERY HAPPY WITH THE STAFF RECOMMENDATION. THANK YOU.

Mayor Wynn: THANK YOU. DAVID KELLERMAN SIGNED UP NOT WISHING TO SPEAK, AGAINST. AND FRED THOMAS SIGNED UP NOT WISHING TO SPEAK, AGAINST. THAT'S ALL THE CITIZENS SIGNED UP FOR ITEM NUMBER 53 MENTD COMULGDZ KSZ QUUCOMMENTS, QUESTIONS, COUNCIL? MOTION MADE TO CLOSE THE REST OF THE PUBLIC HEARING BY MAYOR PRO TEM, SECONDED BY COUNCILMEMBER SLUSHER.

Goodman: IS THIS THE NORTH LAKE CREEK --

Mayor Wynn: CORRECT. FOR ITEM NUMBER 6 OF THE DESIGNATED AMENDMENT. ALL THOSE IN FAVOR OF CLOSING THE PUBLIC HEARING PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION TO CLOSE THE PUBLIC HEARING PASSES ON A VOTE OF 7 TO 0. QUESTIONS, COMMENTS?

Goodman: MAYOR, COULD I ASK --

Mayor Wynn: MAYOR PRO TEM.

Goodman: WOULD IT CAUSE MAJOR HEART BURN TO HAVE ACTION ON THIS ONE?

Mayor Wynn: IN FACT, I WAS EXPECTING A MOTION TO THAT --

Goodman: I WOULD MAKE A MOTION IF IT'S NOT A DIFFICULT THING FOR STAFF OR CITIZENS TO DEAL WITH.

Mayor Wynn: THAT BEGS THE QUESTION CAN WE TALK ABOUT -- AN EXAMPLE, ONE OF THE QUESTIONS I HAD IS A NUMBER OF US HAVE BEEN ASKING ABOUT 2222, AND IT'S OBVIOUSLY NOT PART OF THIS PROPOSED SET OF AMENDMENTS.

OUR HOPE IS TO CONVEY AS MANY AS POSSIBLE POLICY DIRECTIONS TO CAMPO AS WE CAN AT THIS POINT BECAUSE THEY'RE IN A VERY CRITICAL PHASE OF DEVELOPING THEIR SECOND DRAFT PLAN, AND THEY'LL BE RELEASING THIS IN DECEMBER AND JANUARY OF NEXT YEAR. AND WE HOPE TO BE ABLE TO INCLUDE -- WE'VE INFORMED THEM THAT WE ARE PROCESSING THESE AMENDMENTS RIGHT NOW AND THAT THEY ARE UNDER CONSIDERATION. SO WE'D LIKE TO BE ABLE TO CONVEY AS MUCH AS WE CAN IN TERM OF COUNCIL ACTION SO THAT IT CAN GET IN THE CAMPO PLAN AND NOT HAVE TO BE AMENDED LATER INTO THE CAMPO PLAN.

Mayor Wynn: THANK YOU. QUESTIONS, COMMENTS? MAYOR PRO TEM.

Goodman: SO ARE YOU SAYING IF WE POSTPONE TONIGHT IT HAS TO BE UNTIL DECEMBER? WE CAN'T POSTPONE FOR TWO WEEKS OR WHAT HAVE YOU? THIS IS THE BE ALL AND END ALL TODAY?

IT CAN BE POSTPONED AND REHEARD IN A COUPLE OF WEEKS SHOULD YOU CHOOSE NOT TO WANT TO HAVE IT GO BACK THROUGH A BOARD AND COMMISSION REVIEW PROCESS. I MISUNDERSTOOD. I THOUGHT THAT THE REQUEST WAS TO HAVE IT GO BACK THROUGH THE BOARD AND COMMISSION AND PUBLIC HEARING PROCESS. WERE IT NOT TO DO THAT, IT COULD BE RECONSIDERED IN A WEEK OR TWO-WEEK, YES, SEPARATELY BY ITSELF.

McCracken: I HAVE A QUESTION. WHEN YOU WENT THROUGH THE BOARD AND COMMISSIONS PROCESS, HAD CAMPO ALREADY VOTED ON OUR MOST RECENT UPDATE, THE MOBILITY PLAN AND THE WAS THE COMMUTER RAIL ISSUE A FACTOR?

NO. FIRST OF ALL, NO. CAMPO HAD NOT YET VOTED IN JULY ON THE TOLL ROAD PROPOSAL WHEN THESE ITEMS WERE

CONSIDERED BY THE BOARDS AND COMMISSIONS. AND THE SECOND QUESTION, YES, THERE WAS CONSIDERABLE DISCUSSION ABOUT THE COMMUTER RAIL PROPOSAL AND THE FACT THAT THE DIVERTING TRAFFIC AS MUCH AS POSSIBLE TOWARDS LINDHURST DRIVE COULD ACTUALLY BE QUITE BENEFICIAL IN THE SENSE THAT THERE IS A PLANNED FUTURE RAIL STATION LOCATION AT LINDHURST DRIVE AND THE CURRENT LOCATION OF THE RAIL WHERE THE NEWEST PARK AND RIDE LOCATION HAS BEEN OPENED. AND MANY OF THE BOARD AND COMMISSION MEMBERS FELT, ESPECIALLY ON THE URBAN TRANSPORTATION COMMISSION, THAT IT WOULD BE A GOOD THING AND VERY POSITIVE FOR FUTURE RAIL RIDERSHIP TO HAVE LOCAL TRAFFIC, THE EXPERIENCE OF SEEING THE STATION AND MOVING PAST IT AND KIND OF REINFORCING THAT IT IS AN ALTERNATIVE TO AUTOMOBILE TRAVEL.

McCracken: I GUESS I'M ASKING IS THAT THE POSSIBILITY THAT THE RAIL LINES BE SHIFTED AND THAT IF THIS WERE LEETDELETED AND DEVELOPMENT HAPPENED, IT MIGHT DRAMATICALLY INCREASE THE EXTENT OF COMMUTER RAIL? WAS THAT SPECIFICALLY CONSIDERED?

NO. THAT ASPECT WAS NOT CONSIDERED.

McCracken: HAS THE RMA BEEN CONSULTED ABOUT WHETHER THEY WOULD WANT TO DESIGNATE THIS AS A CITY ROAD, AS A GUARANTEED FREE ROAD FOR THE TOLL ROAD AND 183-A?

NO, WE DIDN'T DISCUSS THAT WITH -- WE DID DISCUSS THAT WITH TTA AND TTA INFORMED US THAT SEVERAL ROADS WERE UNDER CONSIDERATION AS A FREE ALTERNATIVE, INCLUDING 183 AND PARMER LANE. PARMER LANE IS ADOPTED IN ALL LONG RANGE PLANS AS A SIX-LANE EXPRESSWAY, SO IT'S A MAJOR UPGRADED ROAD BEYOND THE ROAD THAT IS OUT THERE TODAY. AND PARMER LANE OR THE EXISTING 183 THROUGH CEDAR PARK, EITHER OF THOSE TWO COULD ALSO BE THE FREE ALTERNATIVE.

McCracken: THE WORD COULD MAKES ME NERVOUS.

I UNDERSTAND.

McCracken: THESE ARE NEW CIRCUMSTANCES THAT WERE NOT PRESENT WHEN -- AND BECAUSE THE RMA HAS TO MAKE DECISIONS AND ARE GUARANTEEING THAT THERE WILL BE A FREE ALTERNATIVE TO EVERY ROAD SYSTEM, I WOULD LIKE SOME CLARITY. I DO LIKE THE MAYOR PRO TEM'S SUGGESTION AS A POSTPONEMENT. I DO BELIEVE WE'RE GOING TO HAVE A LOT OF FACTS COME UP OVER THE NEXT FEW MONTHS, INCLUDING THE COMMUTER RAIL ELECTION AND THE RMA IDENTIFYING ITS FREE ALTERNATIVES AND WE'LL GET SOME IMPORTANT GUIDANCE. IT MAY END UP WE WOULD REMOVE THIS OR WE MAY NOT TO. I DON'T KNOW. BUT IT SEEMS LIKE IT LACKS INFORMATION AT THE MOMENT. SO WE WILL KNOW BY DECEMBER IS MY GUESS.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM 6 REGARDING NORTH LAKE CREEK PARKWAY. MAYOR PRO TEM.

Goodman: I'LL MOVE WE POSTPONE TAKING ACTION ON THIS ITEM TILL THE NEXT REGULARLY SCHEDULED DISCUSSION OF AMENDMENTS, WHICH CARRY -- WHICH YOU'RE SAYING IS DECEMBER. AND IN THE MEANTIME COUNCILMEMBERS CAN GET INFORMATION THAT THEY WOULD LIKE TO HAVE BEFORE WE DISCUSS THIS AGAIN.

Mayor Wynn: MOTION MADE BY THE MAYOR PRO TEM TO POSTPONE ACTION ON NORTH LAKE CREEK PARK WAY'S POTENTIAL DELETION UNTIL THE ANTICIPATED NEXT AMENDMENT CYCLE. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. IT TAKES US TO ITEM NUMBER 7, MANOR ROAD.

THANK YOU. MANOR ROAD, CASE C 20403 IS REQUESTED BY ECONOMIC GROWTH AND REDEVELOPMENT SERVICES FOR

THE RMMA REDEVELOPMENT PLANS. MANOR ROAD IS RECOMMENDED TO BE CHANGED IN THE PLAN FROM A SIX-LANE DIVIDED ARTERIAL TO A FOUR-LANE UNDIVIDED ROAD BETWEEN 51st AND AIRPORT. THAT IS THE ROAD THAT EXISTS TODAY. ABOUT EIGHT TO 88 FEET OF RIGHT-OF-WAY EXISTS, AND A SIX-LANE DIVIDED ROAD WOULD REQUIRE 140 FEET OF RIGHT-OF-WAY. THIS WOULD SIGNIFICANTLY DISRUPT EXISTING LAND USE AND IT WOULD ALSO IMPACT THE PLAN AS THE RMMA REDEVELOPMENT PLAN ENVISIONS A PARKLAND AND BUFFER STRIP OF LAND ALONG THE WEST SIDE OF MANOR ROAD. THERE BY CONFLICTING WITH THE EXPANSION OF A SIX-LANE DIVIDED FACILITY. ADDITIONALLY, THAT ROAD WAS PUT IN THE ROADWAY PLAN QUITE SOME YEARS AGO WHEN IT WAS ANTICIPATED THAT THE RMMA SITE MIGHT BE EXPANDED AS THE LOCATION FOR THE NEW AIRPORT, WHICH DID NOT OCCUR. THE AMENDMENT WILL ALSO MAKE THE LONG RANGE TRANSPORTATION PLAN CONSISTENT WITH COUNCIL ACTION ON THE ADOPTED UPPER BOGGY CREEK AND THE EAST MLK NEIGHBORHOOD PLAN. BOTH HAVE BEEN ADOPTED AND RECOMMENDED THIS SECTION OF MANOR ROAD NOT BE EXPANDED TO A SIX-LANE DIVIDED SIZE. THAT CONCLUDES MY PRESENTATION. THANK YOU.

Mayor Wynn: THANK YOU, MS. MCMANUS. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO MORE CITIZENS WHO SIGNED UP FOR ITEM 53. I'LL ENTERTAIN A MOTION THAT INCLUDES CLOSING THE PUBLIC HEARING ON THIS LAST PART OF THIS AGENDA ITEM.

Goodman: MAYOR, I MOVE THAT WE CLOSE THE PUBLIC HEARING AND APPROVE THE DOWN GRADE OF MANOR ROAD BETWEEN AIRPORT BOULEVARD AND 51st STREET TO A MAJOR ARTERIAL UNDIVIDED WITH FOUR LANES.

Thomas: I'LL SECOND IT.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC HEARING AND DOWN GRADE MANOR ROAD AS PRESENTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7 TO 0.

THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, VERY MUCH. COUNCIL, THAT TAKES US TO ITEM NUMBER 57, WHICH IS TO CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF AUSTIN'S FISCAL YEAR '04-'05 PROPOSED BUDGET, INCLUDING, BUT NOT NECESSARILY LIMITED TO OUR PUBLIC SAFETY DEPARTMENTS AND THE MUNICIPAL COURT. A FEW CARDS REMAIN. I THINK MS. SCOTTIE IVORY WENT HOME. SCOTTIE IVORY SIGNED UP WISHING TO SPEAK, AS DID ANNE MARRY JOHNSON. HELLO MS. JOHNSON. WELCOME AND THANK YOU FOR YOUR PATIENCE. YOU HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY DAVID FOSTER.

MR. FOSTER LEFT EARLIER. IT WILL JUST BE ME. GOOD EVENING, MAYOR, COUNCILMEMBERS, MAYOR PRO TEM. MY NAME IS ANNE JOHNSON. I WORK ON CLEAN ENERGY ISSUES OF PUBLIC CITIZEN, INCLUDED AS WHICH IS MY ROLE AS (INDISCERNIBLE) FOR THE CLEAN AUSTIN CAMPAIGN. I REALIZE THAT IT WILL NOT COVER UTILITIES, BUT I WANTED TO COME HERE TO INTRODUCE MYSELF TO THE COUNCIL TO SUPPORT THE COURT FOR THE COUNCIL'S ACTIONS FOR CLEAN ENERGY IN OUR CITY AND TO TALK TO YOU VERY BRIEFLY ABOUT SOLAR AUSTIN'S PROPOSAL FOR THE 2005 BUDGET. WE HAVE TO WORK ON THIS WITH MANY OF YOU OVER THE WEEK LEADING TO THE SEPTEMBER 2 HEARING WHICH WILL COVER AUSTIN ENERGY. FIRST OF ALL, WE WOULD LIKE TO COMMEND THE CITY COUNCIL AND AUSTIN ENERGY ON THE RECENT PURCHASE OF 93 MEGAWATTS OF WIND POWER WHICH PUTS US AT A GOAL OF GETTING FIVE PERCENT OF AUSTIN ENERGY SUPPLY MIX FROM RENEWABLES BY 2005. THIS IS A GREAT EXAMPLE OF MAKING OUR RENEWABLE ENERGY GOALS A REALITY. WE ALSO COMMEND THE COUNCIL FOR SETTING A VERY AMBITIOUS GOAL FOR AUSTIN FOR SOLAR ENERGY. WE BELIEVE FIRMLY THAT MEETING THIS GOAL IN A TIMELY FASHION WILL LEAD TO BOTH SHORT-TERM AND LONG-TERM BENEFITS TO THE CITIZENS OF AUSTIN AND TO AUSTIN

ENERGY. AND INOF COURSE, WE'RE ALSO VERY MOTIVATED BY THE SOLAR REBATE PROGRAM. I CAN PERSONALLY ATTEST THAT IT HAS BEEN VERY EXCITING TO SEE THE REPATE PROGRAM COME ALIVE AND SEE THE DEMAND THAT CITIZENS OF AUSTIN HAVE SHOWN TO PARTICIPATE IN THIS PROGRAM. AS YOU ALL KNOW, AUSTIN'S GOALS HAVE GARNERED ATTENTION FAR AND WIDE. AUSTIN HAS BEEN NAMED AS ONE OF NINE CLEAN ENERGY CITIES IN THE WORLD FOR THE ENERGY INDUSTRY TO LOOK AT FOR DESIGN POTENTIAL. THIS IS GREAT NEWS AND EVIDENCE OF THE POSITIVE ATTENTION OUR CITY IS GETTING AFTER HAVING SAID RENEWABLE ENERGY GOALS ARE GOALS THAT ARE AMBITIOUS AND ACHIEVABLE. MY MAIN POINTS TONIGHT ARE THAT AUSTIN IS DOING SOME GREAT THINGS TO CREATE A SOLAR ENERGY HERE AND TO CONCENTRATE ON FINDING RENEWABLE ENERGY DEVELOPMENT. AND THAT SOLAR AUSTIN AND THE CITY ARE IN AGREEMENT. WE WANT AUSTIN TO BE A LEADER IN THE USE AND DEVELOPMENT OF RENEWABLE ENERGY. IN ORDER TO MEET OUR SOLAR GOALS, THE FIRST OF WHICH IS 15 MEG FWA WATTS OF SOLAR BY TWOWFB, THEY WOULD LIKE TO -- 2007, WE WOULD LIKE TO SUGGEST THAT ABOUT TWO PERCENT OF AUSTIN ENERGY BUDGET BE ALLOCATED TO SOLAR PROGRAM. AND ONE WAY IN WHICH THIS COULD BE DONE IS THROUGH AN INCREASE IN THE FUEL FACTOR. WE THINK THAT THIS IS A LOGICAL SOLUTION CONSIDERING THAT LAST YEAR CUSTOMERS INCREASED DUE TO 20% DUE TO NATURAL GAS INCREASES AND THAT SOLAR ENERGY WILL OFFSET ELECTRIC TRY OTHERWISE PRODUCED USING NATURAL GAS. THERE ARE MANY REASONS TO SUPPORT INCREASED FUNDING FOR SOLAR PROGRAMS AND FOR REBATES IN PARTICULAR. FIRST OF ALL, THE PEOPLE OF AUSTIN WANT TO SEE SOLAR ENERGY. ONE EXAMPLE OF PROOF OF THIS IS THAT TEXAS COMMUNITY PROJECT AND CLEAN WATER ACTION CANVASSERS HAVE COLLECTED -- [BUZZER SOUNDS] OKAY. I'LL GO REAL QUICK. 10,000 CARDS REQUESTING INCREASE IN FUNDING FOR (INDISCERNIBLE) PROGRAM. I HAVE OVER A THOUSAND OF THOSE CARDS HERE TONIGHT TO GIVE TO COUNCIL. AND I'M NOT SURE THE LOGISTICS OF THAT. ALSO THE REBATE PROGRAM IS A COST EFFECTIVE WAY TO MEET THE SOLAR GOALS AS IT LEVERAGES PUBLIC FUNDS AND PRIVATE MONIES. IN

CLOSING, WE THANK YOU FOR YOUR LEADERSHIP AND YOUR VISION. AND WE LOOK FORWARD TO WORKING WITH YOU TO MEET OUR COMMON GOAL OF MAKING AUSTIN THE CLEAN ENERGY CAPITAL OF THE WORLD. THANK YOU.

Mayor Wynn: THANK YOU, MS. JOHNSON. WHY DON'T YOU HAND THOSE TO COUNCILMEMBER THOMAS. ARE THERE ANY OTHER CITIZENS THAT WISH TO BE HEARD ON ITEM NUMBER 57, WHICH IS TO CONDUCT A PUBLIC HEARING AND RECEIVE PUBLIC INPUT REGARDING A PROPOSED '04-'05 CITY BUDGET? HEARING NONE, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER SLUSHER TO CLOSE THIS PUBLIC HEARING, ITEM 57. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE. OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. MS. BROWN, IS THAT OUR AGENDA? I'LL ENTERTAIN A MOTION TO ADJOURN.

Thomas: SO MOVE.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS, SECONDED BY THE MAYOR PRO TEM. ALL THOSE IN FAVOR, PLEASE AAYE.

AYE.

Mayor Wynn: WE'RE ADJOURNED. THANK YOU ALL VERY MUCH.

End of Council Session Closed Caption Log